

# The Solicitors' Journal

Vol. 104 No. 36 [pp. 689-708]

SEPTEMBER 2, 1960

[One shilling and ninepence]

## THE GUARANTEE SOCIETY

LIMITED  
FOUNDED IN 1840

Solicitors are invited to approach the Society when  
requiring any class of

**FIDELITY GUARANTEE**  
COURT BONDS, including **ADMINISTRATION**  
BONDS, arranged on most favourable terms  
also

### INDEMNITIES

in respect of missing beneficiaries, lost documents,  
defective titles, and other contingencies

#### HEAD OFFICE:

36/37 OLD JEWRY, LONDON, E.C.2

Tel.: METropolitan 6242

BRANCHES IN MOST OF THE PRINCIPAL TOWNS

To Solicitors, Executors, Trustees,  
and Private Owners wishing to  
dispose of Old Gold, Jewellery  
and Silver.

We shall be pleased to place  
our long experience at your  
disposal and to submit offers.

## GARRARD & CO. LTD.

*Crown Jewellers*

*formerly*

THE GOLDSMITHS &  
SILVERSMITHS COMPANY LTD

OUR ONLY ADDRESS

112 Regent Street London W.1

TELEPHONE: REGENT 3021



## HILLIER PARKER MAY & ROWDEN



*Valuations, Sales, Letting and Management  
of Business, Factory  
and all classes of Industrial Properties  
throughout the British Isles*

*London Offices*

77 GROSVENOR STREET  
LONDON W.1

*Mayfair 7666*

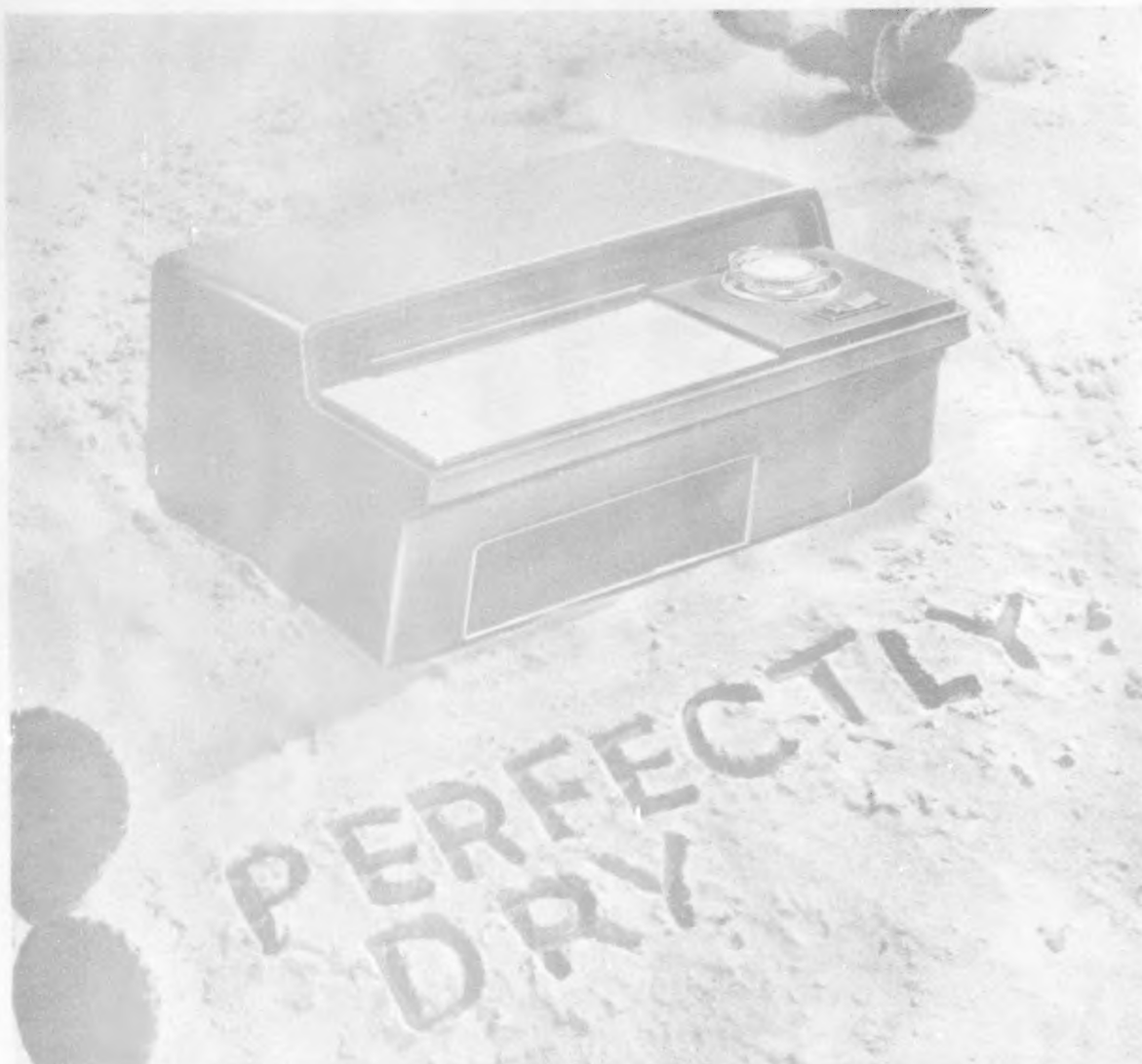


*Scottish Offices*

35 CASTLE STREET  
EDINBURGH 2

*Caledonian 4310*

AUCTIONEERS, SURVEYORS, VALUERS AND ESTATE MANAGERS



**Thermo-fax** 'Secretary' copying machines produce copies from an original the perfectly dry way! Only electric one-step copying will produce an itemised account statement or 39 addressed and gum-perforated labels in just four seconds!

The Thermo-Fax 'Secretary' copier will save you money - cut costs on office overhead. The 'Secretary' copier speeds the flow of office paperwork in numerous ways. More information? Mail the coupon below.

VISIT STAND No. 173 AT OLYMPIA,  
OCTOBER 3rd-12th, 1960



for Better Business  
Communications

**FREE**

Show me 'Ways to Speed Paper Flow' in my company

Name \_\_\_\_\_ Position \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

POST TO MINNESOTA MINING & MANUFACTURING CO. LTD., 3M HOUSE, WIGMORE STREET,  
LONDON, W.1 (S.J.6)

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements

# THE SOLICITORS' JOURNAL



VOLUME 104

NUMBER 36

## CURRENT TOPICS

### New Road Traffic Acts

THE Road Traffic Act, 1960, came into operation on 1st September. It consolidates without amendment the existing Road Traffic Acts, 1930 to 1956, the School Crossing Patrols Act, 1953, Pt. I of the Road and Rail Traffic Act, 1933 (relating to licences for goods vehicles) and other provisions relating specifically to road traffic, e.g., s. 2 of the Magistrates' Courts Act, 1957. The law relating to vehicle excise licences and lighting of vehicles, however, is still found in the Vehicles (Excise) Act, 1949, and the Road Transport Lighting Act, 1957, respectively, as amended. Part V of the Road Traffic Act, 1930, relating to the running of omnibus services by local authorities, also remains unrepealed. Although the new Act does not alter the law, it makes a change in nomenclature because the familiar term "built-up area" has gone; the term "restricted road" is now used to indicate roads on which a speed-limit is in force. The Road Traffic (Amendment) Act, 1960, also came into operation on 1st September; it is concerned with the grant of driving licences in England, Wales and Scotland to holders of driving licences issued in Northern Ireland, the Channel Islands and the Isle of Man. There is a Bill still before Parliament relating to the minimum age at which motor cycles may be ridden; it will also place a limit on the maximum power of such machines when ridden by provisional licence-holders. The Royal Assent to this Bill, which has the support of the Government, is expected in October.

### Ticket Fines and Traffic Wardens

THE greater part of the Road Traffic and Roads Improvement Act, 1960, also came into operation on 1st September. This Act amends the law with respect to parking places and to the making of regulations for the control of traffic; several provisions confer new powers on the Minister of Transport and s. 16 gives power to the "competent authority" to sell vehicles that have been abandoned and could have been, or have been, removed from the street by that authority; s. 16 (4) defines the competent authority as the authority which is, under s. 15, the appropriate authority. Section 7 limits the right to challenge in any legal proceedings an order designating part of the highway as a parking-place under ss. 85 to 87 of the Road Traffic Act, 1960; the challenge must be made to the High Court within six weeks of the making of the order. Save for that challenge, a designation order may not be questioned in any legal proceedings whatever. The most interesting provisions of the Act, however, are in ss. 1 and 2. Section 1 extends to vehicles (whether motor vehicles or not) left on a road without lights or reflectors during the hours of

## CONTENTS

### CURRENT TOPICS:

New Road Traffic Acts—Ticket Fines and Traffic Wardens—Caravan Sites—The Presumption of Legitimacy

DRAFTSMAN ACQUITTED .. .. . 691

DISTRESS AS BETWEEN LANDLORD AND TENANT—III .. .. . 692

### COUNTY COURT LETTER:

Assorted Bars .. .. . 694

DISCRETION IN CRIMINAL TRIALS .. .. . 695

### LANDLORD AND TENANT NOTEBOOK:

Statutory Tenant's Right to Option .. .. . 698

LAW IN A COOL CLIMATE—I .. .. . 700

HERE AND THERE .. .. . 702

REVIEWS .. .. . 703

### NOTES OF CASES:

A.-G. v. Harris  
(Flower-Sellers' Repeated Breaches of Statute: Penalties Ineffective: Whether Injunction Proper Remedy) 704

Compton v. Compton and Hussey  
(Husband and Wife: Settlement: Variation: Post-Nuptial Settlements on the Children) .. .. . 705

Farr (A. E.), Ltd. v. Ministry of Transport  
(Building Contract: I.C.E. Form: Construction) .. .. . 705

Ingram v. Little  
(Contract Mistake as to Identity of Purchaser: Whether Void or Voidable) 704

CORRESPONDENCE .. .. . 706

IN WESTMINSTER AND WHITEHALL .. .. . 706

POINTS IN PRACTICE .. .. . 707

### DIVORCE REGISTRAR'S CIRCULAR:

Persons under Disability: Endorsement on Documents .. .. . 708



darkness, to those obstructing a road or waiting or being left or parked or loaded or unloaded in a road and to the non-payment of charges at street parking places. The section, however, extends only to such areas as the Home Secretary may by order specify. If a constable in an area so specified finds an offence of the nature indicated above being committed, he may give a notice to the offender or fix it to the vehicle, giving the opportunity of paying a fixed penalty in lieu of prosecution. The penalty is payable to the local magistrates' clerk and, if it is paid, there cannot be a prosecution for that offence. Nor does the payment of the fixed penalty mean that a conviction is recorded against the offender; in the course of the debates on the Bill, the Government spokesman said quite emphatically that it should not even be mentioned as part of a defendant's record if he were convicted of a subsequent offence. If he does not pay it within the prescribed time, a prosecution for the offence in the normal way will follow. The fixed penalty may not exceed £2 or half the maximum fine on first conviction, whichever is the less. Section 2 authorises the appointment of traffic wardens in aid of the police; they may act as school crossing patrols or parking attendants at street parking places and may also act, if so authorised by order of the Home Secretary, under s. 1 just mentioned. The new Act will no doubt be of interest to the constitutional lawyer and will have an important practical effect in magistrates' clerks' offices, both in increasing the amount of financial penalties collected and in lessening the number of summonses issued. It may also lead to motorists finding that they have to pay penalties for breaches of the law far more frequently than they do now. However, we doubt if the new Act will lead to much increase in work for solicitors as most motorists presumably will pay their fixed penalties without argument, although there will now and then be the client who wants to know what the notice means or the parking-place Hampden who has taken objection to the attitude of the constable or warden. Such people should always be reminded that, if the matter goes to the court, the magistrates can fine up to the maximum—£5 in the case of lighting offences and £20 for obstruction, if the prosecution is under reg. 89 of the Motor Vehicles (Construction and Use) Regulations, 1955.

### Caravan Sites

THE MINISTER OF HOUSING AND LOCAL GOVERNMENT has issued a circular (No. 42/1960) to local authorities on the general policy to be adopted and the more urgent action required to be taken under the Caravan Sites and Control of Development Act, 1960, which came into effect on 29th August. In the Minister's view the aim should be to secure that all caravan sites, whether residential or holiday sites, are properly equipped and run; that sites are not allowed in the wrong places but are allowed in acceptable places, and that planning permission is not withheld on principle but only where there is some definite planning objection; that permission is given on a long-term or permanent basis unless there is some definite reason against this; and that where sites have to be run down or numbers have to be reduced this is done with due regard to avoidance of hardship. In future, caravan sites will require to be licensed. Existing sites which have specific planning permission must be granted licences, but the licensing authority will be able to attach conditions to the licence. In doing so, they must have regard to model standards prescribed by the Minister, copies of which have been issued with the circular. Applications for licences for existing sites

which do not have specific planning permission will be referred to the local planning authority to determine the planning status of the site and what ought to be done about it. The establishment of a new site will require, first, planning permission and, second, a licence. The circular emphasises the importance of close and harmonious co-operation between planning and licensing authorities in dealing with applications in respect of both existing and new sites. Planning decisions on caravan sites should be taken in the light of accepted planning principles. Authorities will need, however, to consider where in their area sites would be acceptable, given the demand. The Minister cannot give precise guidance on this point, but makes a number of points which he considers noteworthy. These include: residential sites might best be outside, but not far from, residential areas; there is much to be said for concentrating holiday sites in a special locality rather than having them scattered over a wider area; new static holiday sites should be in inconspicuous places and well screened; sites should not be so small as to make a high standard of equipment uneconomic nor so large as to spoil the character of an area.

### The Presumption of Legitimacy

A DIVORCED woman recently sought an affiliation order in a magistrates' court. The child had been conceived at a time when she was cohabiting with her husband but was having an affair with the putative father. She swore that, although she had intercourse with her husband about once a week at the material time, a contraceptive was always used because her husband did not want any children; she also gave evidence that there was an act of intercourse with the putative father with the deliberate intention of conceiving a child by him. The magistrates did not doubt that she was speaking the truth but it seems that they would have had to refuse her an affiliation order because the presumption of legitimacy had not been rebutted. Happily, the case was settled as the defendant consented to make an agreement to pay. The facts are similar to those in *Francis v. Francis* [1960] P. 17, and it was held there that, although the husband had used contraceptives at the material time and the adulterous wife had left the father's name blank when registering the birth, the presumption of legitimacy was not rebutted. On the balance of probabilities it may be thought that the child in the case before the magistrates was that of the putative father, but it seems that he would escape his liability to maintain it unless the High Court were to draw distinctions as to the occasions of the use of contraceptives and their efficacy which would have to be of extreme subtlety. It may be thought that the man's escape from his liability is not a high price to pay for the status of legitimacy that the child enjoys but, unfortunately, if the mother in a like case were to seek maintenance for such a child under the Guardianship of Infants Acts, 1886 to 1925, from her ex-husband, a serious injustice to the latter would result. On the authority of *Francis v. Francis*, the child will be treated as his, although everyone in the courtroom will know that it is in fact almost certainly that of another man, and the court will have to order the ex-husband to maintain it. While it is true that a nominal order could in theory be made, e.g., a penny a week, the child's welfare must be the paramount consideration and seemingly would require an adequate weekly sum. Hard cases may make bad law, but, if there are many hard cases, the goodness of the existing law may well be questioned.



MESSRS.

# HILLYER & HILLYER

Chartered Auctioneers and Estate Agents, Surveyors and Valuers, will offer for SALE by AUCTION at the  
LONDON AUCTION MART, 155, QUEEN VICTORIA STREET, E.C.4

On TUESDAY, SEPTEMBER 20, 1960, at 11 a.m. prompt, (lunch interval) continuing at 2.30 p.m. prompt  
(Unless sold previously by private treaty)

<b>Freehold Shop Investments</b> <b>138, SOUTHBURY ROAD, ENFIELD</b> Let at £156 p.a. excl. (F. R. and I.) Valuable reversion 1961 <b>87/88, BRUCE GROVE, TOTTENHAM, N.17</b> Let at £650 p.a. excl. (F. R. and I.) and <b>VALUABLE FREEHOLD GROUND RENTS</b> of £120 p.a. secured upon <b>TEN FREEHOLD SHOPS AND FLATS</b> 75/86 and 89/96 (cons.), BRUCE GROVE, N.17 (in Lots) <b>4, MARKET PARADE, WINCHESTER ROAD, EDMONTON, N.9</b> Let at £286 p.a. exclusive <b>12, HOLLAND ROAD, SOUTH NORWOOD, S.E.25</b> Let at £350 p.a. exclusive (F. R. and I.) Two Short Leasehold Shops and Six Flats 354, 356 and 358, ST. JOHN STREET, FINSBURY, E.C.1 Freehold Shop and Premises 144, VAUXHALL WALK, S.E.11 with Five Freehold Houses 114, 122, 126, 142 and 148, VAUXHALL WALK, S.E.11	<b>Freehold Residential Investments</b> <b>Ten Bay-Windowed Villas</b> 17, 19, 25, 29, 45 and 47, SPERLING ROAD, N.17 85, 89, 91 and 93, ST. LOYS ROAD, N.17 <b>Double-Bayed House (as two flats)</b> 13, CRESCENT ROAD, TOTTENHAM, N.15 <b>Single-Bayed Houses let to single tenants</b> 27, RITCHES ROAD, N.15 151, 155 and 157, ROSLYN ROAD, N.15 31 and 32, SHRUBBERY ROAD, EDMONTON, N.9 <b>Three Modern Detached Houses</b> 59, LITTLE YELDHAM ROAD 52, TILBURY ROAD, and 17, RIDGEWELL ROAD, GREAT YELDHAM, ESSEX <b>Three Charming Old-World Cottages</b> THE ASH, LITTLE HADHAM, HERTS <b>Semi-Detached Cottage</b> 12, BEECHEN GROVE, WATFORD Let at £260 p.a. excl. <b>Pair of Terraced Houses</b> 22 and 24, CARDIGAN ROAD, BOW, E.3	<b>Freehold Residential Investments</b> <b>Freehold Decontrolled House</b> 100, SEYMOUR ROAD, HARRINGAY, N.8 Let at £182 p.a. excl. <b>Double-Bayed Residence</b> 5, FOREST VIEW ROAD, WALTHAMSTOW, E.17 <b>Pair of Semi-Detached Houses</b> 6 and 8, SCHOOL ROAD AVENUE, HAMPTON HILL, MIDDX. <b>Spacious Houses let in Flatlets</b> 9, ANERLEY HILL, S.E.19 12, TUDOR ROAD, S.E.19 15, MANOR AVENUE, S.E.4 (with Garage) (part decontrolled) <b>Pair of Maisonettes (one decontrolled)</b> 4, TYRRELL ROAD, S.E.22 <b>Three Modern Style Houses</b> 313, 321 and 323, UPPER GROSVENOR ROAD, TUNBRIDGE WELLS, KENT <b>Single House let to one Tenant</b> 64, CONWAY ROAD, HOVE, SUSSEX	<b>TWO FREEHOLD BUILDING SITES</b> HIGH STREET, WOULDHAM, KENT (Planning consent for Residential Development) <b>COLLATERAL DEPOSITS OF £3,341</b> secured upon <b>10 FREEHOLD HOUSES (in lots)</b> <b>Twelve Long Leasehold Mansion Flats</b> 2 (A-F) and 3 (A-F), VICARAGE MANSIONS, ABBOTSFORD AVENUE, TOTTENHAM, N.15 (Eight flats decontrolled and let on short leases). Total Gross Income £2,029 per annum <b>Leasehold House with Part Possession</b> 18, CROWLAND ROAD, N.15 (One floor vacant, remainder decontrolled) <b>Short-Leasehold House with Part Possession</b> 35, WELLESLEY ROAD, N.W.5 <b>Three Freehold Houses with good site value</b> 119, 121 and 123, COMMERCIAL WAY, S.E.15 <b>Leasehold Ground Rent of £6 p.a.</b> 3, WICKHAM GARDENS, S.E.4 <b>Freehold Non-Basement House</b> 9, MERSEY STREET, W.10
---	--	--	--

The property may be inspected, and Particulars and Conditions of Sale may be obtained from the Auctioneers' Offices:  
270/2 WEST GREEN ROAD, TOTTENHAM, N.15  
Tel.: BOWes Park 3464 (3 lines)

ESTABLISHED IN



LONDON IN 1805

## Wm Brandt's Sons & Co Ltd BANKERS

Financing of Exports & Imports  
Documentary Collections  
Investment Management  
Foreign Exchange  
Capital Issues

WM BRANDTS  
EXECUTOR & TRUSTEE CO LTD

36 FENCHURCH STREET, LONDON EC3  
Telephone: Mansion House 6599 Telex: 28219

## theirs too



God's Good News is for men and women everywhere; it must be carried into all the world. This is the task to which C.M.S. has been committed for over 150 years. Legacies, covenanted subscriptions and donations are urgently needed to maintain and extend this vital work—now costing nearly £1,500 a day.



Further details from Financial Secretary:

**CHURCH  
MISSIONARY SOCIETY**  
6 Salisbury Square, London, E.C.4

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements

**As you probably tell your client:**

*LIFE ASSURANCE* gives him cover for his dependants and tax relief on the premiums he pays.

*EQUITY INVESTMENT* gives him a measure of protection against inflation and a stake in the progress of industry.

**But did you know this?**

**British Shareholders Trust**, a Unit Trust authorized by the Board of Trade, now presents an Executive Saving Scheme which combines these advantages, enabling him to insure his life for a stake in a balanced portfolio of over 89 selected leading British firms and also Government Stocks.

The scheme provides a special kind of Endowment Assurance policy, not for a fixed cash sum, but for a block of units in the B.S.T. Payment is made by an initial premium of 25 per cent. of the cost of the units at the outset, and subsequent premiums over an agreed number of years (usually not less than twelve). As with a normal life assurance policy, the premiums attract the statutory income tax relief, and the policy may be drawn up under the Married Women's Property Act, so as to minimize Estate Duty.

*The offer price of the units on 31st August, 1960, was 14s. 7½d. to yield £3.20%. This price represented an appreciation of 46.25 per cent. over the initial offer price in November, 1958, of 10s.*

For further information, please write to the Managers, **PHILIP HILL, HIGGINSON, ERLANGERS LIMITED**  
34 Moorgate, London, E.C.2

## By Will or Codicil or Covenant

May we suggest to Legal or Financial Advisers that, when questions of their clients' benefactions arise, the worthiness of The Royal Air Force Benevolent Fund may be wholeheartedly and deservedly commended.

Briefly, The Royal Air Force Benevolent Fund provides help to R.A.F. personnel disabled while flying or during other service. It assists the widows and dependants of those who lose their lives and helps with the children's education. It gives practical assistance to those suffering on account of sickness and general distress.

The need for help in nowise lessens in peace or war. Our immeasurable gratitude to that "Immortal Few" can hardly cease while memory itself endures.

## The Royal Air Force Benevolent Fund

*More detailed information will gladly be sent by The Hon. Treasurer,  
The R.A.F. Benevolent Fund, 67 Portland Place, London, W.1  
Telephone: LANGham 8343*

*(Registered under the War Charities Act, 1940)*

## DRAFTSMAN ACQUITTED

At first glance the decision of the Court of Appeal in *Hultquist v. Universal Pattern and Precision Engineering Co., Ltd.* [1960] 2 W.L.R. 886; p. 427, *ante*, suggests that solicitors will have to retain an actuary to advise on the assessment of special damage in personal injury cases involving the payment of disablement gratuities. In fact, this should be unnecessary for those who retain even the slightest knowledge of those mathematical problems concerning imaginary workmen filling hypothetical holes at non-union rates. In effect the decision resolves a conflict of judicial opinion between Finmore and Paull, J.J., on the one hand and Stable, Ashworth and Edmund Davies, J.J., on the other—a conflict which Sellers, L.J., pointed out might never have arisen had not counsel and those judges failed to consider and/or apply s. 2 (6) (c) of the Law Reform (Personal Injuries) Act, 1948.

### The problem

The problem is simple. If in accordance with the National Insurance (Industrial Injuries) Act, 1946, an injured workman is assessed at a less than 20 per cent. disablement he receives a disablement gratuity (up to a maximum of £280) under a prescribed scale. This sum is assessed with reference to a period between the end of the injury benefit period and a definite future date or the claimant's life (usually the latter). The sum is normally payable within five years from the accident and is therefore caught by the provisions of s. 2 (1) of the Law Reform (Personal Injuries) Act, 1948, which requires that there shall be taken into account against any loss of earnings or profits one-half of the value of any sickness benefit or industrial injury benefit (which includes a disablement gratuity) "which have accrued or probably will accrue" for "the five years beginning with the time when the cause of action accrued." If one year after an accident a man is assessed at a 19 per cent. disability and receives a £280 gratuity, is there to be deducted one-half of that sum (i.e., £140) from the damages or only a proportion of it? The amounts are not large but can be vital as in *Hultquist's* case, where the difference brought the global sum for damages over and above the amount paid into court. The Court of Appeal, construing the Act and in particular s. 2 (6) (c), decided that the proportion method (of Stable, Ashworth and Edmund Davies, J.J.) was to be preferred to the one-half deduction adopted by Finmore and Paull, J.J., although all the judges appear to have been troubled by an equitable view of the problem (see Paull, J., on "hardship" in *Roberts v. Naylor Bros., Ltd.* [1959] 1 W.L.R. 718, and Edmund Davies, J., on a "fairer conclusion" in *Perez v. C.A.V., Ltd.* [1959] 1 W.L.R. 724, at p. 727, the other trial decisions being unreported). It seems hard indeed that if a man with a life expectation of thirty years is assessed at 20 per cent. disability against his life and receives 17s. per week for life commencing one year after his accident he only has one-half of four years at £44 4s. per annum deducted, i.e., £88 8s., whereas if he is assessed at 19 per cent. against his life and receives £280 gratuity he should have deducted £140.

### Facts of *Hultquist's* case

In *Hultquist's* case the plaintiff, a machine operator, aged thirty-six, lost his right index finger and suffered some permanent impairment of his grip. He was away from work for thirteen weeks and lost agreed wages amounting to £197 18s. 6d. He received under the provisions of the National Insurance (Industrial Injuries) Act, 1946, and the

regulations thereunder, £61 1s. 6d. industrial injury benefit, and a disablement gratuity of £210, being a disablement assessment of 14 per cent. loss of faculty "for life." His agreed actuarial expectation of life was thirty-five years. Finmore, J., awarded £550 general damages and from the agreed special damage of £197 18s. 6d. deducted one-half of the industrial injury benefit (£30 10s. 9d.). The judge, standing by his own earlier unreported decision (followed by Paull, J.), further deducted one-half of the disablement gratuity (£105), thus reducing the special damages to £62 7s. 9d., making a total award of £612 7s. 9d. Finmore, J., held that the whole sum of £210 awarded within the five years of the accident should be taken into account as money due under a right which had accrued during that five years, and rejected the view that since the £210 was a gratuity for life the proportion to be attributed to the first five years was five-thirty-fifths of £210, namely, £30, and that it was one-half of that sum (i.e., £15) which fell to be deducted. This would have brought the global figure for damages to £702 7s. 9d. Since £700 had been paid into court the issue was vital.

### Rejection of an ingenious argument

Sellers, L.J., pointed out that certain judges had considered that there was a lacuna in the 1948 Act, but that in fact the draftsman was not guilty since he "had anticipated and provided for the uncertainty" in s. 2 (6) (c) of the Act, which states that for the purposes of s. 2 "an industrial disablement gratuity shall be treated as benefit for the period taken into account by the assessment of the extent of the disablement in respect of which it is payable" (an agreed life expectation of thirty-five years). The court rejected an "ingenious argument" (first advanced in *Roberts v. Naylor Bros., Ltd.*) that since the benefit in fact accrued within seven years the deduction should be one-half of five-sevenths of £210 (£75) and not one-half of five-thirty-fifths of £210 (£15). This argument was based on the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948 (S.I. 1948 No. 1372), reg. 2, which in effect lays down a scale of gratuities which are the same for a seven-year period of assessment and upwards to life and thus imply a seven-year purchase only. The gratuity awarded, it was argued, should be scaled down to so much a week for seven years and then be multiplied by the number of years from the date of award to five years from the accident. However, s. 12 (5) of the 1946 Act, as Sellers, L.J., pointed out, requires an assessment to state both the percentage disability and the period taken into account. Section 2 (6) (c) of the 1948 Act requires the gratuity to be treated as benefit "for the period taken into account."

### Deduction from special damage

It is to be noted that it was agreed in *Roberts v. Naylor Bros., Ltd.*, that an interim assessment of disability payment is to be deducted (as to one-half) from the special damage (since it is payable in respect of a period of less than five years) in the same way as injury benefit (which is paid during the weeks away from work), and from this view the Court of Appeal have not dissented. It also seems clear that if there has been no assessment, but there is likely to be one, then an estimated deduction will be made. Moreover, Sellers, L.J., refused to cause further hardship to the lay client and above all to the profession by attempting to take into account benefits from an annuity notionally purchased with the



gratuity as contrary to "common sense," although Upjohn, L.J., was prepared at one stage to embark upon the higher mathematics involved.

The result is, therefore, not so formidable as might have been feared and can be expressed sufficiently accurately as follows:—

Divide the gratuity sum by the expectation of life and multiply the result by the difference in years between the date of the award plus five years after the accident and divide the answer by two.

Thus, if a man is injured on 1st January, 1960, and is awarded a £200 gratuity against an expectation of life of thirty years with effect from 30th June, 1960, when his injury benefit period ended, the calculation will be:—

$$\frac{200 \times \frac{(1960 + 5 \text{ years}) - (1960 + \frac{1}{2} \text{ year})}{30}}{2} = \frac{200 \times 4\frac{1}{2}}{2} = £15.$$

Q.E.D.!

G. L.

## DISTRESS AS BETWEEN LANDLORD AND TENANT—III

### PROCEDURE AFTER DISTRESS MADE

ONCE the distress has been made, the goods so seized must be "impounded." Originally, of course, this meant physically carrying the goods away to a "pound"; an open—and public (as Mr. Pickwick would be ready to testify)—one for cattle, and a closed—and private—one for any goods which might be damaged by exposure to the elements.

So far as any impounding may still take place of cattle in pounds, it is important to observe that the pound must be in a proper condition to receive the cattle, and secure (*Wilder v. Speer* (1838), 8 A. & E. 547). The cattle may be driven to any pound within the hundred or similar area where the distress is taken, even though more than three miles distant, but may not be driven outside that area except to a pound in the same shire and then not more than three miles from the place where the distress was taken (*Distress Act*, 1554, as explained in *Coaker v. Willcocks* [1911] 1 K.B. 649; 2 K.B. 124). The animals must be properly fed and watered (*Protection of Animals Act*, 1911, s. 7), and milch cows must be milked (*Chamberlayn's Case* (1590), 1 Leo. 220). Beyond that, no use can be made of the animals (*Smith v. Wright* (1861), 6 H. & N. 821), though they may be licensed out to the tenant for use without in any way thereby abandoning the distress (*Kerby v. Harding* (1851), 6 Exch. 234).

But ever since the *Distress for Rent Act*, 1737, it has been possible, and it has now become almost the universal practice, to impound the goods on the premises (*ibid.*, s. 10). Indeed, growing crops—which at an earlier stage in the development of the law were exempt from distress even after harvesting (*Simpson v. Hartopp* (1744), Willes 512)—must be distrained on, cut or uncut, where they stand, and, if uncut, when cut put in a proper place on the premises if any such can be found, and if not, then as near as may be to the premises (*Distress for Rent Act*, 1737, ss. 8 and 9).

It is indeed not now necessary for the goods even to be removed to one place in the house, although obviously it is convenient if all the goods distrained upon can be collected together in one room (or cupboard) which can be placed under lock and key. But, at any rate with the consent of the tenant, it is not necessary even to move the goods; they may be left exactly where they are, the "seizure" being notional (*Johnson v. Upham* (1859), 2 El. & El. 250). Similarly, an open field—the open field where they are found—will do for impounding the cattle (*Thomas v. Harries* (1840), 1 Man. & G. 695).

At the other end of the scale, it is not proper to lock up the entire premises and exclude the tenant therefrom on pretext of making the distress (*Smith v. Ashforth* (1860), 29 L.J. Ex. 259).

### Possession

There are three possible courses open to a bailiff or landlord. He may, if he chooses, after having impounded the goods, withdraw entirely from possession. Unless the facts showed some intention on the part of the landlord to abandon the distress, if the tenant meddled with the goods distrained he would be guilty of pound breach (*Swann v. Earl Falmouth* (1828), 8 B. & C. 456).

However, this would in general be inviting trouble, and so the bailiff may take "walking possession" (see *Day v. Davies* [1938] 2 K.B. 74, the actual decision in which has been nullified by the *Distress for Rent Rules*, 1953). That is to say, he goes out of permanent possession upon an agreement by the tenant that he may re-enter at any time. The form of agreement is No. 6 in App. II to the *Distress for Rent Rules*, 1953. This form must be used, because otherwise no charge can properly be made for such possession (see *Distress for Rent Rules*, 1953, App. I).

Finally, the bailiff may remain in possession throughout the distress. He need not do so personally; the assistants he leaves behind may not necessarily themselves be certificated (as in *Boulton v. Reynolds* (1859), 2 E. & E. 369).

### Notice of distress

Whether the distress is made by the landlord or the bailiff, the tenant must be given a notice telling him what goods have been distrained upon, where they are (if not impounded on the premises) and the time within which he must replevy them (*Distress for Rent Act*, 1689, s. 1; *Distress for Rent Act*, 1737, s. 9).

Beyond this, if the landlord is acting in person, his notice need not go (*Tancred v. Leyland* (1851), 16 Q.B. 669), but a bailiff is bound to give a notice in Form No. 5 in App. II to the 1953 Rules, which also informs the tenant of the arrears of rent and the period in respect of which they have accrued due, and also the levy and possession fees (*Distress for Rent Rules*, 1953, r. 22).

### Time for replevying

The tenant has, in all cases, five days in which to replevy (*Distress for Rent Act*, 1689, s. 1), after which the goods may be sold. The tenant is entitled, if he is so minded, to extend this period to fifteen days; but in this case he must make a request in writing for such extension and also give security for the additional costs which will be incurred in consequence (*Law of Distress Amendment Act*, 1888, s. 6). The five (or fifteen) days are to be calculated exclusive of the day of

# VALUATIONS

OF INDUSTRIAL BUILDINGS, PLANT AND MACHINERY, etc., FOR  
PROBATE, COMPANY PROMOTION, INSURANCE, etc.

## JOHN FOORD AND COMPANY

56 VICTORIA STREET, LONDON, S.W.1

... this classic work ... "Solicitors' Journal"

### A NEW EDITION OF **ALPE** ON THE LAW OF **STAMP DUTIES**

TWENTY-FIFTH EDITION

by

PETER E. WHITWORTH, B.A.,  
of the Middle Temple and Lincoln's Inn  
and

JAMES MACKENZIE, M.B.E.,

lately of the Office of the Controller of Stamps Inland Revenue

- ★ Revised and Enlarged
- ★ Designed for Rapid Reference
- ★ Comprehensive: All the Law the Practice and the Exemptions

... has long been numbered amongst the comparatively few legal text-books which it is essential for the lawyer to possess  
"Law Times"

63s. net

by post 65s.

Published by

**JORDAN & SONS LIMITED**

COMPANY REGISTRATION AGENTS  
PRINTERS AND PUBLISHERS

116 CHANCERY LANE, LONDON, W.C.2

### A SPECIALIST SERVICE

for

### ADMINISTRATION

and all other Legal and Government

### BONDS

and

### INDEMNITY POLICIES

The qualified staff of the Association will help to solve your difficulties

THE

### NATIONAL GUARANTEE AND SURETYSHIP ASSOCIATION LIMITED

ESTABLISHED 1863

LONDON OFFICE :

Northern House,  
29 Gresham Street, E.C.2

HEAD OFFICE :

17 Charlotte Square,  
Edinburgh, 2

BRANCHES IN ALL PRINCIPAL TOWNS AND CITIES  
IN GREAT BRITAIN, NORTHERN IRELAND AND EIRE

### EDWARD ERDMAN & CO.

AUCTIONEERS, VALUERS, SURVEYORS AND ESTATE AGENTS

Valuations and Surveys for Probate and all purposes  
Estates managed - Rents collected  
Compensation claims under Town and Country Planning Act  
Rating Appeals - Dilapidation Claims  
Preparation of plans - Supervision of Building work  
Advice on Investments of Trust Funds

OFFICES :

6, GROSVENOR STREET, LONDON, W.1

MAYFAIR W191



### The FLYING ANGEL

is a flag well known to seamen. It stands for a world-wide ministry to body, mind and soul.

A legacy to THE MISSIONS TO SEAMEN will keep the flag flying —no better service could be rendered to seafarers.

Please note exact style and title of the Society

### THE MISSIONS TO SEAMEN

4 BUCKINGHAM PALACE GARDENS, LONDON, S.W.1

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements

## SIR WINSTON CHURCHILL URGES YOU TO HELP 30,000 LIMBLESS EX-SERVICEMEN



Many of the 30,000 British Limbless ex-servicemen are completely unable to help themselves. All are gravely handicapped but none need lose hope, provided they are given help in conquering their disability. More money is urgently needed to acquire, maintain and equip homes in which they can be given a period of convalescence or care and comfort in their old age.

Donations or legacies should be made to:—

Major the Earl of Ancaster, T.D., CHAIRMAN OF APPEAL (S.J. 18)  
Midland Bank Limited, 89 Charterhouse Street, E.C.1

**BRITISH LIMBLESS EX-SERVICEMEN'S ASSOCIATION**

(Registered in accordance with the National Assistance Act, 1948)

## MORTGAGES ON BUSINESSES

We have pleasure in informing Solicitors that we are now able to accept Applications for Mortgages on Freehold and Long Leaseholds of Shops, where there is living accommodation for the applicant, of up to 75% of Valuation. The Mortgages will be of not longer than 4-5 years. On the 5-year Scale the repayments will be £2.9.3d. per cent. per month.

For details:—

**J. LEE-HUDSON & CO., LTD.,**

68 Wigmore St., London, W.1.

Tel.: HUNter 1741

life's long evening...

eventide  
homes  
golden  
jubilee

**50** years ago The Salvation Army pioneered homes for the elderly. Today there are 42 Eventide Homes in Great Britain. Salvation Army Officers give the help and kindness which these old, lonely people so greatly need. To meet the ever-growing demands, donations and bequests are vital help. Please write for "Eventide Homes" booklet, **The Salvation Army**, 113 Queen Victoria Street, London, E.C.4.



## The Incorporated Society of Auctioneers and Landed Property Agents

Distinguishing Letters

F.A.L.P.A. (Fellow)

A.A.L.P.A. (Associate)

Members of the Society are in practice as Auctioneers, Estate Agents, Surveyors and Valuers throughout the country and undertake professional work in connection with Compulsory Acquisition, Rating, Town Planning, Valuation of Real and Personal Property for all purposes, and similar matters. Names and addresses of members in any particular locality may be obtained from the Secretary at the Society's Headquarters:

**34 QUEEN'S GATE, LONDON, S.W.7**

Telephone: KNightbridge 0034/5/6



seizure but inclusive of the day of sale (*Robinson v. Waddington* (1849), 13 Q.B. 753). At the end of the period, whichever it is, the landlord will make arrangements for the goods to be sold.

#### Appraisalment

Appraisalment (i.e., valuation) is required by statute in the case of the sale of growing crops as and when they are cut (Distress for Rent Act, 1737, s. 8). Otherwise, no appraisalment is necessary unless the tenant requests it, and it must then be effected at his expense (Law of Distress Amendment Act, 1888, s. 5). The idea is merely to provide a check on the amount of goods upon which the distraint has been made, and the prices for which they are ultimately sold. It may be doubted whether under modern conditions it serves any useful purpose whatsoever.

#### Sale

There are no special rules as to where the sale may take place, nor how it is to be conducted. It is permissible for the sale to take place where the goods are impounded (Distress for Rent Act, 1737, s. 10) and this is obligatory in the case of sheaves or cocks of corn, or corn loose or in the straw or hay (Distress for Rent Act, 1689, s. 2). At the request in writing of the tenant or owner of the goods they must be removed to a public auction room or to some other fit and proper place specified in such request and be there sold. However, the costs and expenses incidental to such removal, and any damage to the goods arising therefrom, must be borne by the tenant or other owner of the goods (Law of Distress Amendment Act, 1888, s. 5).

In practice again the goods are generally sold by auction, but all that is required by statute is that the best price be obtained for them (Distress for Rent Act, 1689, s. 1). The landlord himself cannot purchase (*Moore, Nettlefold & Co. v. Singer Manufacturing Co.* [1904] 1 K.B. 820); but the appraisers, if the goods have been appraised, may. Before any sale is initiated, it is necessary to search at the office of the local county court to discover whether the tenant has replevied the goods, under the provisions of the County Courts Act, 1959, by giving such security as is therein provided (see concluding article under "Replevin"). If not, and if he has not paid or tendered the rent and costs in full, the landlord can proceed to have the distress sold.

Any surplus proceeds of sale are usually handed over direct to the tenant, instead of leaving them (as technically required by the Distress for Rent Act, 1689, s. 1) in the hands of the sheriff for the tenant's or owner's use.

#### Costs of distress

As we have already noted, the costs of a distress are regulated by the Distress for Rent Rules, 1953. There is no point in setting them out here; they are clearly set out in the appendices to those rules. But we must note that no fees, charges or expenses can be charged except such as are expressly authorised (r. 19), and that if any dispute arises as to the amount of any of them they are to be taxed by the registrar of the local county court, who may make such order as he thinks fit regarding the costs of the taxation (r. 20).

#### Second distresses

In general, a landlord is allowed only one levy in respect of any one sum of rent due to him, for it is his right and his duty to take sufficient goods to meet the rent and costs in full (*Bagge v. Mawby* (1853), 8 Exch. 641). *Per contra*, where the insufficiency of the distress is not occasioned through any fault of the landlord—as where there are not enough distrainable goods originally (*Wallis v. Savill* (1701), 2 Lutw. 1532), or where the beasts upon which he has distrained have, without his fault, died in the pound (*Anon.* (1700), 12 Mod. Rep. 397), he may distrain again. "But if there is a fair opportunity and there is no lawful cause why he should not make out the payment of the rent by reason of the first distress it is his business to make it out by the first distress and he cannot distrain again" (*Bagge v. Mawby, supra*).

Of course, another distress may be made subsequently for further rent in arrear; but this is not a second distress, and it would in such a case (unless for one of the reasons already given the landlord could not have made the first distress effective) not be possible to add to the amount distrained for any arrears not recovered in the former distress. This would have to be recovered by action.

(To be concluded)

RAYMOND WALTON.

### "THE SOLICITORS' JOURNAL," 1st SEPTEMBER, 1860

ON the 1st September, 1860, THE SOLICITORS' JOURNAL reported: "On Tuesday last Lord Palmerston, the Attorney-General and the Solicitor-General, attended by a surveyor, were observed making personal inspection of the proposed site for the new Law Courts and offices, which includes the ground situated between Bell Yard, Carey Street, Lincoln's Inn, Clement's Inn and the Strand. His lordship and the learned gentlemen, with the assistance of a plan, made a careful and minute examination of the various buildings which at present occupy the site, traversing some of the narrow alleys and passages which are the only thoroughfares through it. The Attorney-General appeared to take great pains in pointing out to Lord Palmerston the nature of the property and in explaining to his lordship the proposed alterations. The space of ground in question is at present mostly occupied by houses of a very bad kind, in a

very dilapidated state of repair, and inhabited chiefly by a population of the poorest and lowest description. The removal of these habitations from the centre of London would alone be a measure of great sanitary improvement and the new buildings might be made a noble addition to the architecture of the metropolis. During the enforced detention of the party by a heavy shower of rain under the shelter of an archway in Clement's Inn, the Attorney-General took the opportunity of indoctrinating his lordship with the merits of the proposed scheme for the concentration of our courts of law. The Attorney-General has been well known, from the first, as an earnest and enlightened advocate of this beneficial scheme; and we hope that he has now engaged the influence of Lord Palmerston in the same cause. His lordship appeared to take a great interest in the matter and paid great attention to the observations of the Attorney-General."

#### THE HERBERT RUSE PRIZE

At the June Intermediate Examination, Trust Accounts and Book-keeping Portion, the Council of The Law Society awarded

the Herbert Ruse Prize, value £11, to Peter Wild Bullivant and David Michael Hart.

## County Court Letter

## ASSORTED BARS

It is said that there is at least one word that is understood in every language in the world—Bar. Whatever may be the situation in bars elsewhere, in England they are to a large extent the places where public opinion is formed and voiced with a degree of emphasis directly proportional to the lateness of the hour. It is however quite certain that at whatever time it was mentioned, the subject that would raise the maximum storm of outraged fury would be any proposal that might affect the liberty of the subject.

In a country where a man cannot build his house how he likes, leave his motor car where he likes or get a drink when he likes, this seems somewhat strange. The liberty referred to, however, is not the right to do what he likes, but the right to be around to be restricted, controlled, prosecuted, and generally pushed about in such manner as those whom we elect to make life more bearable for us in their wisdom decree.

It is therefore interesting to see in the Annual Report of The Law Society the proposal that county court registrars should be given the power to deal with judgment summonses, including the ability to imprison debtors. This is contained in a memorandum submitted by the Council of The Law Society to the Working Party on Adjournments of County Court Cases set up by the Lord Chancellor in May, 1959. It points out that the hearing of judgment summonses by the judge disrupts the normal working of many county courts, and that if they could be dealt with by registrars, judicial time would be made available for the hearing of other cases.

## Preliminary Act

This change would of course necessitate the passing of an Act of Parliament, and there is no doubt that it is at Westminster that the cry of the man in the bar would be likely to be loudly echoed. For some reason which does not seem valid to The Law Society, it has always in the past been considered that the placing of debtors behind bars should be the sole prerogative of members of the bar. Why it should be essential for a judge to do this when lay magistrates imprison offenders for far more substantial periods than the six weeks maximum permitted under s. 5 of the Debtors Act, 1869, is obscure.

Though the most experienced registrar has no power to commit for contempt, a deputy judge, whose minimum qualification is seven years practice at the bar, has all the powers of a judge. It is perhaps not unreasonable to wonder which would be the more likely to make a mistake, particularly as The Law Society's memorandum refers in another context to the disappointing standard of some deputy judges appointed in the past.

## Small change

Looking at the whole matter from a purely practical angle, should this change be brought about it is hard to see that the position of a judgment debtor would be worsened. In the first place, only an infinitely small number of persons actually go to prison on committal order under Ord. 25,

Pt. III, in comparison with the number of judgment summonses issued. In cases where committal orders are made and a warrant of execution actually issued, in practice it nearly always leads to the debtor being brought before the court, given a right royal rocket, and released on an undertaking to pay so much a month. One suspects that a registrar could do this just as well as a judge. In any case there is always the right under Ord. 35, r. 5, to appeal to the judge against any order of the registrar. Should the person against whom the committal order is made not appeal in time—and in practice he would probably not think of doing so until the warrant was executed—he could still apply for its suspension under Ord. 25, r. 54 (2). If the registrar refused his application, then again he could appeal to the judge, so that in actual fact he need never go to durance vile without a hearing before the judge. The habitually bad payer might however find that nemesis overtook him a little more quickly if the bar on registrars making committal orders were removed, because they often know of other judgments or orders against him which would not be known to the judge under the present system. On the other hand, the genuinely hard-up character would probably benefit from this inside knowledge. The proposal would therefore seem to have advantages for everyone except registrars, who generally speaking have plenty to keep them out of mischief already.

## Contempt of registrar

Registrars would of course also have to be given the power to commit for contempt of court. This would be necessary to enable them to enforce the personal attendance of judgment debtors under Form 179 procedure (Ord. 25, r. 43). Quite apart from this, it seems a little unfair that at present a registrar who finds himself in receipt of a well-aimed dead cat has no direct means of retaliation, except perhaps by throwing it back. Incidentally, is it really true that a judge who was recently involved in such an incident in court said to the thrower: "If you do that again, I shall be very cross with you"? One can only hope that it is.

The final noteworthy point in this section of The Law Society's memorandum is that the Council suggests that registrars should be robed when dealing with judgment summonses and should sit in open court. It seems strange that this remark should be considered necessary, since they always are heard in open court, and the only known case of a registrar sitting unrobed in court was when the E II R case containing his wig and gown was stolen from his car by a bearded gentleman with a foreign accent who apparently thought it contained atom secrets. Otherwise, registrars are thought always to appear properly dressed. The same, however, cannot invariably be said of the solicitors who appear before them. Perhaps The Law Society might care to take mote-and-beam notice of that fact and remind its members to overhaul their sartorial arrangements lest they, too, get barred.

J. K. H.

## Obituary

Mr. WILLIAM BLOXSIDGE, for over 64 years managing clerk and cashier of Messrs. Reed and Reed, solicitors, of London, E.C.2, died on 20th August.

Mr. FRANK HENWOOD, who was with Messrs. Beale & Co., solicitors, of Westminster, for 63 years, died on 15th August, aged 82.





**cast in the  
same mould...**

**UNIFORMITY** is all very well for model soldiers, but *our* freedom from standing orders means that we are able to give individual cases individual attention, with an especially high degree of service from over 200 offices. This independence has made us what we are—one of Britain's largest insurance companies. And it has brought our policyholders benefits they might otherwise have missed. We shall be happy to tell you what our independence can mean to **YOU**—and to your clients.

**...but not all insurance  
companies are alike**

**General  
Accident**

**Independence benefits YOU!**

General Accident Fire & Life Assurance  
Corporation Limited  
General Buildings · Perth · Scotland  
General Buildings · Aldwych · London W.C.2

ONE OF BRITAIN'S LARGEST INSURANCE COMPANIES

Something to the  
advantage of  
**\*Trustees**  
**\*Executors**  
**\*Beneficiaries**  
A share account in  
**ABBAY NATIONAL**  
*represents ready money*

Money ready to meet death duties and other claims is readily available *without any capital loss whatsoever*, when the estate includes investment in an Abbey National share account.

This is a great convenience to those called to administer an estate, who might otherwise be faced by the wasteful necessity of selling depreciated stock to meet these expenses. Moreover an Abbey National share account represents a safe and profitable investment during the lifetime of the testator. Total assets of £347,000,000 signify a degree of security to satisfy the most discriminating, whilst the current interest rate of  $3\frac{1}{4}\%$  per annum with income tax paid by the Society is equivalent to 5.14.3 per cent when tax is paid at the standard rate.



**ABBAY NATIONAL**

BUILDING SOCIETY

ABBAY HOUSE, BAKER STREET, LONDON, N.W.1

Member of The Building Societies Association

**ASSETS £347,000,000**

CVS-518



To  
see



...the changing world of nature—and those you love. There are many ways of giving thanks for this great joy. One of these—and perhaps the best—is helping the R.N.I.B. which works ceaselessly for all Britain's blind. Please help this work by commending the R.N.I.B. when you advise clients on the preparation of their wills.

**RNIB** the helping hand  
for all Britain's blind

THE ROYAL NATIONAL INSTITUTE FOR THE BLIND, 224 ST. PORTLAND STREET, LONDON, W.1  
(Registered in accordance with the National Assistance Act, 1948)

*Will nobody  
help me?*

Of course we will . . . and all the other dogs in special need of care. There are Canine Defence Free Clinics up and down the country where the pet of the poorest receives treatment equal to the finest in the land. And there is the Veterinary Aid Ticket Scheme—run by Canine Defence who pay for veterinary aid in needy cases. Every National Canine Defence League Clinic has a full hospital service behind it. And it is to maintain and develop this service—as well as our other humane activities . . . protecting dogs from cruelty and ill usage of every kind—that we ask for the practical help of all kind-hearted people. *Full details from*



**CANINE DEFENCE**

NATIONAL CANINE DEFENCE LEAGUE  
10 Seymour Street, London, W.1. Tel: WELbeck 5511

## OUTSTANDING STRENGTH

### RESERVES

OVER £5,500,000 (including Taxation Reserve)  
EQUIVALENT TO 6.5% OF

### ASSETS

WHICH NOW EXCEED £85,000,000

EXCELLENT MORTGAGE FACILITIES  
DEPOSIT DEPARTMENT HAS TRUSTEE STATUS

## THE PROVINCIAL

### BUILDING SOCIETY

ESTABLISHED 1849

Head Offices: MARKET STREET, BRADFORD 1. Tel: 29791 (7 lines)  
ALBION STREET, LEEDS 1. Tel: 29731 (4 lines)

London Office: ASTOR HOUSE, ALDWYCH, W.C.2. Tel. HOLborn 3681

OVER 500 BRANCHES AND AGENCIES

Member of The Building Societies Association

## SUBSTANTIAL FUNDS

available for the purchase of

## Central London Property and Sites

### AGENTS CAN BE RETAINED

Special arrangements will, in suitable cases, be made for agents  
to manage property purchased by the Company

Full particulars to:

**GREAT PORTLAND ESTATES, LTD.**

97 MORTIMER STREET, W.1

Telephone: LANgham 3040

## DISCRETION IN CRIMINAL TRIALS

THE machinery of trials in England is designed to ensure the fair conduct of cases in criminal courts, and this has been achieved progressively over the years by rules of practice and authorities based on common sense and prudence. Many matters such as place of trial, public conduct of trial, reports by the Press, presence of prisoner in felonies, the right to conduct own defence and the right to reply, are the subject of strict rules. Matters that cannot be determined by hard-and-fast rules, because they vary according to circumstances and merit in each individual instance, are left in the hands of the trial judge. Such matters may be the grant of bail or legal aid to the accused; questions of joinder of offences or the amendment of an indictment; when is a witness hostile and how much a judge is allowed to comment on the prisoner's failure to give evidence; whether the jury can be discharged; when a confession is inadmissible or character becomes an issue; and the vital question of award of costs to a successful defendant—all these are matters that can be settled on the facts relevant in each particular instance.

In the evaluation of each instance the judge has a discretion, and, although discretion is no substitute for truth, it is the nearest to the truth. Discretion is an intuitive power that discerns or perceives what in all probability is right in a given set of circumstances. It may, however, be said that essentially a judge's discretion is his own rule, although it must be exercised judicially, according to rules; for it is an integral part of the fair conduct of trials. These rules are there to draw the line between the fair and unfair, the objective and subjective; and it may be hard for a prosecution-minded judge not to show his prejudice in the exercise of his discretion.

Lord Goddard, C.J., in *R. v. Hall* [1952] 1 All E.R. 66, when referring in the course of his judgment to "a matter of discretion," said (at p. 67) :—

"That is a judicial discretion with the exercise of which this court has said on more than one occasion it will not interfere, unless it is compelled by some overwhelming fact."

This is so when a discretion is not absolute. Once a discretion is absolute, then that is the end of the matter. There can be no appeal or review: *Rice v. Howard* (1886), 16 Q.B.D. 681. In this case, it was held that the discretion of the judge to allow a witness to be treated as hostile was absolute and the court had no jurisdiction to review his decision. On the other hand, a discretion that is not absolute must follow the facts in each particular case according to judicial rules. There are no precise rules for the exercise of a discretion, but rules of evidence should be adhered to. Some eight matters have been selected for illustration below in order to show the thread of considerations expected in the exercise of a discretion.

### 1. The amendment of an indictment

The Indictments Act, 1915, s. 5 (1), gave the court a discretion to amend an indictment, including errors in description (*R. v. Pople* [1951] 1 K.B. 53). An application can be made before trial or at any stage of the trial, according to the circumstances of each case; but the proper time to make it is before arraignment of the prisoner. The judge will hear the views of both parties and in particular those of the defence before exercising his discretion. The considerations may be as follows :—

(i) The indictment is defective, one which in law does not charge any offence.

(ii) The introduction of the amendment will not work injustice: *R. v. Pople, supra*. In this case the indictment contained charges of obtaining money by false pretences, whereas in fact cheques had been obtained. The court held that the introduction of such amendment may work injustice and therefore ordered separate trials of counts.

(iii) An amendment must not charge an entirely new offence in a certain count: *R. v. Jennings* (1949), 33 Cr. App. R. 143. In this case the appellant, a woman, was charged with obtaining ration books by false pretences and also with unlawfully using a ration book. An amendment of the ration book number was allowed in the latter count. The Court of Criminal Appeal held that amendment was wrongly allowed, because the effect of such an amendment was to prejudice the prisoner. It was a totally different offence from that originally charged in that count.

(iv) The name of a prisoner, who has been arraigned and given into the charge of a jury, cannot under the guise of amendment be struck out of an indictment (*R. v. Michalski* (1955), 39 Cr. App. R. 22).

(v) The amendment is of a matter not material, e.g., a date: *R. v. Dossi* (1918), 13 Cr. App. R. 158—per Atkin, J. (at p. 159) :—

"From time immemorial a date specified in an indictment has never been a material matter, unless it is actually an essential part of the offence."

(vi) Lastly, there is an omnibus consideration, namely, where a prisoner may be prejudiced or embarrassed in his defence by reason of plurality of counts in one indictment. In such circumstances the court may order a separate trial of any count or counts in the indictment. Such a course will be adopted in the following cases :—

(a) If it would be difficult in the course of summing-up to distinguish the evidence relating to respective counts without a risk that the jury would be unable to disregard the evidence on the other counts (*R. v. Sims* [1946] K.B. 531).

(b) If the evidence is not admissible on the other counts because of its prejudicial character: *R. v. Hall, supra*, following *R. v. Sims, supra*. In this case, the facts on which the various counts were founded were of strikingly similar character and not excluded by rules of evidence. The Court of Criminal Appeal therefore upheld Lynskey, J.'s reason in the court below.

In *R. v. Hall, supra*, Lord Goddard, C.J., gave some guidance as to reviewing an exercise of discretion (at p. 67) :—

"If the judge, or recorder, or chairman of quarter sessions, has given a reason which is obviously a bad reason, the court may review its decision, although it is not certain that it would if it were of opinion that in all the circumstances the charges might well have been tried together though the reason given by the judge was wrong."

### 2. Admissibility of confession

It is a matter of discretion for the judge whether a confession should be admitted in evidence at all. If the judge rules that it is admissible, then it is for the jury to say what weight should be attached to it: *R. v. Murray* [1951] 1 K.B. 391, per Lord Goddard, C.J., at p. 393. In order to decide the question

of reception of confession, the judge will hear evidence from both sides, in the absence of the jury, before the opening of the case, and look into all the circumstances of the case as to whether any promises or threats were made and if made whether they operated upon the mind of the accused (*R. v. Thompson* [1893] 2 Q.B. 12). The judge cannot decide on the reception of an alleged confession merely by looking at the depositions (*R. v. Chadwick* (1934), 24 Cr. App. R. 138). It may sometimes necessitate hearing practically the entire case in the absence of the jury, and this means in some cases going through the case twice over, once in the absence of the jury and again with a jury.

Judges' Rules were devised in 1912 with a view that their observance by the police will tend to make fair the administration of justice. A breach of these rules is not in itself sufficient to make a confession inadmissible in law. They are administrative directions devoid of the force of law and in such circumstances where there was a breach of them the judge has a discretion to exclude the confession.

### 3. Character in issue

Putting questions as to character is not a matter of right, but one of discretion for the judge. A prisoner's bad character will not be allowed to emerge merely because it was suggested by the defence that a prosecution witness was untruthful. In general, a prisoner's character is protected under the Criminal Evidence Act, 1898, unless the nature or conduct of the defence was such as to involve imputations on the character of the prosecutor. The word "character" has a wide meaning and probably means both general reputation and actual disposition of the prisoner: *Stirland v. Director of Public Prosecutions* [1944] A.C. 315. In this case, Viscount Simon, L.C., said (at p. 327):—

"An accused person is not to be regarded as depriving himself of the protection of the section because the proper conduct of his defence necessitates the making of injurious reflections on the prosecutor or his witnesses."

Again, where one of the prisoners jointly indicted gives evidence on his own behalf and in so doing incriminates the other prisoner as to other offences or character, counsel for the latter is entitled to cross-examine him. In a doubtful case, where the prisoner is not represented and counsel for the prosecution desires to ask the prisoner questions as to his character, it is the usual practice to seek the discretion of the judge before putting them, so that the judge may have an opportunity of preventing them if he thinks it desirable to do so (*R. v. Turner* [1944] K.B. 463).

An unrepresented co-prisoner whose case is in conflict with his co-defendants may be a source of unexpected trouble, when giving evidence on his own behalf, for he may incriminate one or other of his co-defendants. In such a case, the judge has a discretion, after hearing all parties, whether to allow a fresh and separate trial or permit counsel for the co-defendants to proceed to cross-examine him as to character. In the light of recent authorities, it appears that where a judge exercises his discretion against separate and fresh trials, he should exercise a discretion in favour of the defence to cross-examine the offending co-prisoner as to his previous bad character.

### 4. The hostile witness

An absolute discretion is given to the judge whether a witness be treated as hostile. This discretion is derived from s. 22 of the Common Law Procedure Act, 1854. Willes, J., in *Greenough v. Eccles* (1859), 5 C.B. (N.S.) 786, was of the

opinion that the court had no jurisdiction to review that ruling. In a strong dictum in the same case, he said that the reason for this ruling was—

"in order, no doubt, to prevent the increase of causes of new trial, the Legislature have, as it appears to me, in terms, made the opinion of the judge upon this point absolute and therefore final."

This decision was followed in *Rice v. Howard*, *supra*, and *Price v. Manning* (1889), 42 Ch.D. 372 (C.A.).

### 5. Prisoner's failure to give evidence

In 1898, a prisoner became a competent but not compellable witness. He was given a right to give evidence on application by himself or by his counsel: Criminal Evidence Act, 1898. This Act did not preclude the discretion of the judge to comment on the absence of evidence which might have been given, including the failure of the prisoner to use his right to go to the witness-box and give his own testimony. Such comments must be fair and just (*Kops v. R.* [1894] A.C. 650; *R. v. Rhodes* [1899] 1 Q.B. 77). However, the failure of the prisoner to give evidence does not amount to corroboration of the evidence of an accomplice and it would be a misdirection to tell this to the jury (*R. v. Jackson* (1953), 37 Cr. App. R. 43). On two other occasions, this discretion must be used cautiously, namely:—

(i) Where at the magistrates' court the prisoner refrained from giving evidence after the usual caution had been administered, it would be improper for the judge to comment adversely in such a way as to suggest that his silence amounts to evidence against him: *R. v. Jackson*, *supra*.

(ii) Where in the presence of police officers, after having been cautioned in the usual terms by a police officer, the prisoner does not deny that he committed the offence, or declines to make a statement before he has had advice (*R. v. Leckey* (No. 2) [1944] K.B. 80). In this case, the trial judge commented adversely on the appellant's silence after he had been cautioned by the police officers and indicated that the appellant's failure then to declare his innocence was a consideration for the jury tending to prove his guilt.

Viscount Caldecote, C.J., said (at p. 86):—

"An innocent person might well, either from excessive caution or for some other reason, decline to say anything when charged and cautioned, and if that could be held out to a jury as a ground on which they might find him guilty, he might obviously be in great peril."

The comment was held to be a misdirection. In contrast, in *R. v. Tume* (1943), 29 Cr. App. R. 162, where comment by the judge to the effect, "Members of the jury, could not that have been said without legal advice?" was held to be harmless and perfectly reasonable. However, Humphrey, J., had a word of advice (*ibid.*, at p. 165):—

"It is probably better, when a person has been charged with a criminal offence after having been cautioned and has made no answer at all, or has made some observation which is itself not in the nature of an explanation of the charge, that the presiding judge should say nothing about it beyond telling the jury exactly what was said or not said on that occasion."

Similarly, when a person cautioned at a police station but before being charged said: "What I have to say I will say to the court," the trial judge was perfectly right in making the following observation: "If the applicant were innocent, it



## Death duties need not cripple the family business



Problems besetting the privately owned company in providing for death duties, surtax or general expansion, can frequently be solved by discussion with Charterhouse. The Charterhouse Group have long experience in the financing of private companies and are glad to advise directors and their professional consultants on the raising of capital by public flotation or means whereby the company remains private. Each company's problems are naturally individual and treated as such but the wealth of Charterhouse experience in similar fields is available for you to draw upon.

**CHARTERHOUSE**  
*backs good management*

THE CHARTERHOUSE GROUP LIMITED  
30 ST SWITHIN'S LANE, E.C.4

TGA C04A



## THE MODERN SOLICITOR

is alert to his opportunities for arranging insurances for his clients, and advising them as to the benefits which can thereby be secured.

The Norwich Union group, progressive in outlook and with assets of over £250,000,000, offers a wide range of policies on attractive terms to suit the individual needs of business men. With more than 100 branch offices in the United Kingdom the Societies provide a prompt and efficient service to their agents.

**NORWICH  
UNION**



INSURANCE SOCIETIES

Head Offices:

6-20 Surrey Street, NORWICH, NOR 88A.

## MISS AGNES WESTON'S ROYAL SAILORS' RESTS

Portsmouth (1881) Devonport (1876)  
Londonderry (1955)



AIMS—The Spiritual, Moral and Physical well-being of men of the Royal Navy, their wives, and families.

NEEDS—FUNDS to carry on GOSPEL, TEMPERANCE and WELFARE work, and to meet increasing costs of General Maintenance.

LEGACIES ARE A VERY WELCOME HELP

General Secretary: Lieut.-Com. F. M. Savage, F.C.C.S., R.N.

Gifts to: The Treasurer (S.J.), Royal Sailors' Rests,  
Head Office, 31 Western Parade, Portsmouth

## MISS SHEPPARD'S ANNUITANTS' HOMES

FOUNDED 1855 FOR ELDERLY GENTLEWOMEN

Our Homes, administered under a Charity Commission Scheme, provide unfurnished rooms, rent free, to Gentlewomen in good health, aged between 60 and 77 years on entry and who have a secured income of from £52 to £225 per annum. Ladies must be members of the Church of England or of a Protestant denomination.

OUR HOMES DO NOT RECEIVE GOVERNMENT AID

They need the support of new friends

## LEGACIES

are invaluable to us

PLEASE REMEMBER US WHEN ADVISING CLIENTS

Write Chairman: Lieut.-General Sir Ian Jacob, K.B.E., C.B.  
12 Lansdowne Walk, W.11

## OUR DEBT TO NURSES

— is incalculable. But this can, to some extent, be repaid by remembering the older Nurses who gave devoted service in return for a miserable salary and who now need your help to provide them with security in their old age.

## THE NURSES' MEMORIAL TO KING EDWARD VII

was founded in 1912 to maintain a Home or Homes for Retired Nurses. Donations and Subscriptions under Covenant are urgently needed—also Bequests—to support the work of this Voluntary Organisation and to maintain its Home for elderly Nurses.

Please write for brochure and address all enquiries to:—  
THE HON. SECRETARY AT 15 BUCKINGHAM STREET  
LONDON, W.C.2

## Another New Oyez Table

### No. 16 LEGAL AID SUMMARY

in Civil and Criminal Cases

as at 22nd August, 1960

Showing in tabular form:

FINANCIAL QUALIFICATIONS

GRANTING AUTHORITIES

FORMS OF APPLICATION

ASSESSMENT OF TAXATION COSTS

PAYMENT OF COSTS

AREA COMMITTEES: ADDRESSES

An up-to-the-minute and easy to assimilate guide to the various forms of Legal Aid and the Regulations affecting each.

Ready September 15th

2s. 6d. net

## OTHER RECENT TABLES

### No. 13 SEARCH ADDRESSES AND REMINDERS

(unregistered land)

(Local searches, land charges searches, Yorkshire Deeds Registry and miscellaneous). June, 1960. 3s. net

### No. 14 "REGISTERED" CONVEYANCING REMINDERS

(H.M. Land Registry Addresses, the compulsory areas, notes on procedure, forms and fees). June, 1960. 2s. 6d. net

### No. 15 TIME/SPEED/DISTANCE CHART

An aid in motoring cases. With notes.  
June, 1960 3s. net

All the above prices are post paid

## The Solicitors' Law Stationery Society, Limited

OYEZ HOUSE · BREAMS BUILDINGS  
FETTER LANE · LONDON · EC4

was somewhat curious that he had made that statement when he had not yet been charged" (*R. v. Gerrad* (1948), 32 Cr. App. R. 132).

In a recent case, *R. v. Davis* (1959), 43 Cr. App. R. 215, where during the interview by the police *D* said: "I am saying nothing," the trial judge commented in these terms:—

"Members of the jury, a man is not obliged to say anything, but you are entitled to use your common sense. If *Davis* was in the position that he now would have us believe he was in . . . would he say to the police, 'I am saying nothing'? . . . Can you imagine an innocent man who had behaved like that not saying something to the police in the course of the evening or the next day or even a little time afterwards? He said nothing."

The Court of Criminal Appeal held that this comment amounted to an invitation to the jury to form an adverse view of the prisoner from the fact of his silence and therefore it was a misdirection.

#### 6. Introduction of evidence in rebuttal

If, in the course of giving evidence, the defence introduces a completely new matter which the Crown could not foresee, the prosecution may be allowed to call evidence in rebuttal, in reply. Such evidence will be in order to contradict the defence evidence before conclusion of the summing up. This is a matter for the discretion of the judge (*R. v. McKenna* (1956), 40 Cr. App. R. 65). Counsel for the defence has a right to comment on evidence so adduced by the prosecution (*R. v. Frost* (1840), 9 Car. & P. 129). Where the defence sets up an alibi, it may be contradicted by rebutting evidence (*R. v. Froggatt* (1910), 4 Cr. App. R. 115).

In *R. v. Whelan* (1881), 14 Cox C.C. 595, May, C.J., said (at p. 597):—

"There is a discretion in every judge to allow either side to give evidence as to any point which is material."

#### 7. Discharge of the jury

Even in a capital case, a sworn jury charged with a prisoner may be discharged without giving a verdict. The trial judge has a discretion, probably an absolute one, for it is not subject to appeal (*R. v. Beadell* (1933), 24 Cr. App. R. 39). In this case, it was said that since the judge had exercised his discretion the court had no power to interfere with the exercise of that discretion. Such a discretion will be required where a necessity arises, such as death or illness of a juror or misconduct by one or more jurors discovered before verdict. The prisoner need not be present at the discharge (*R. v. Richardson* (1913), 8 Cr. App. R. 159). A necessity may arise in the course of trial; where a prejudicial statement against a defendant is inadvertently made by a witness, then defence counsel can apply for a fresh trial before another jury. If counsel so applies, the judge should accede to his request. Lord Hewart, C.J., in *R. v. Firth* (1938), 26 Cr. App. R. 148, said (at p. 158):—

"There are evidently three elements: (1) a statement with regard to a prisoner's previous record or of that kind inadvertently made from the witness box; (2) the statement must be to the prejudice of the prisoner; (3) an application by the prisoner's counsel for the trial to be begun before another jury,"

and further (at p. 154):—

"The principle laid down by this court is that, where an irregularity manifestly takes place, then there ought to be an end of the trial in that form."

This decision followed the earlier one *R. v. Peckham* (1935), 25 Cr. App. R. 125. In *R. v. Palmer* (1935), 25 Cr. App. R. 97, where a statement was made prior to trial in the presence of the jury that the defendant was "a notorious shoplifter" and the judge warned the jury in summing up to ignore this statement, it was held by Lord Hewart, C.J., at pp. 99-100, "that that was a request to the jury to perform a very difficult feat." In the case of an unrepresented prisoner, it is the duty of the judge to inform the prisoner of his right to apply forthwith for the discharge of the jury and have a fresh trial (*R. v. Featherstone* (1942), 28 Cr. App. R. 176). The judge, however, has a discretion whether to allow a fresh trial (*R. v. Fripp and Jones* (1942), 29 Cr. App. R. 6), following *R. v. Featherstone, supra*. Necessity may arise also in cases where a material witness for the prosecution persistently refuses to answer a question put to him by the defence whereby he is adjudged guilty of contempt of court, fined and imprisoned. It is improper to discharge the jury against the will of the prisoner (*R. v. Charlesworth* (1861), 1 B. & S. 460). In *R. v. Lewis* (1909), 2 Cr. App. R. 180, the Court of Criminal Appeal intimated that a jury should not be discharged in order to allow the prosecution to present a better and stronger case on another trial. Where a jury on a trial for murder at the assize deliberated from the middle of the day until the following morning never disagreeing and being able to agree, and the judge, being in difficulty to attend the first day of business at the next assize town, discharged them from giving a verdict, this was held to be right in law (*R. v. Newton* (1849), 13 Q.B. 716). *Per contra*, in *R. v. McKenna and Bushy* [1960] 2 W.L.R. 306; p. 109, *ante*, the Court of Criminal Appeal quashed a conviction where the judge (Stable, J.) told the jury that they would be locked in all night if they did not reach their verdict within ten minutes.

#### 8. Award of costs on acquittal

The award of costs of acquitted persons is not free from difficulty since the new provisions in the Costs in Criminal Cases Act, 1952. The courts were not ready to grant costs to acquitted prisoners, except in exceptional cases. The statute leaves it to the discretion of the trial judge. The mere fact of acquittal does not mean that the discretion should be exercised in favour of the acquitted person. Subsection (1) of s. 1, which deals with costs in the case of courts of assize and quarter sessions, has given the courts an unfettered discretion. The statute, in fact, confers an absolute discretion.

On 24th March, 1952, it was stated in the Court of Criminal Appeal that it was only in exceptional cases that such costs should be awarded, e.g., where the prosecution can be said to be in some way at fault.

On 19th October, 1959, the Court of Criminal Appeal, constituted by Lord Parker, C.J., Ashworth and Edmund Davies, J.J., made a practice direction ([1959] 1 W.L.R. 1090). The direction, *inter alia*, says that each case ought to be considered on its own facts, including such relevant factors as whether the prosecution had acted unreasonably in starting or continuing proceedings and whether the accused by his own conduct had brought the proceedings or their continuation upon himself. The court entirely dissociated itself from the view that the judge was entitled to base his refusal to award costs on the ground that he thought that the verdict of the jury was perverse or unduly benevolent. The mere fact that the judge disagreed with the verdict of the jury was no more a ground for refusing to award costs to the acquitted person.



By s. 1 of the Summary Jurisdiction (Appeals) Act, 1933, quarter sessions have a discretion to make "such an order as to costs to be paid by either party as they think just," but such a discretion must be exercised judicially. The Divisional Court in *Allen v. Maidstone Sack & Metal Co.* (1959), Crim. L.R. 356, allowed an appeal against an order for costs by West Kent Quarter Sessions Appeal Committee. The case came before the appeal committee on an appeal

against sentence. The committee, on hearing further mitigating circumstances, reduced the imposed fines in the lower court and ordered the appellant, who was the Chief Inspector of Kent Constabulary, to pay costs to the respondents. The Divisional Court based its decision on the ground that there were no facts on which the committee could properly exercise its judicial discretion.

E. G.

## Landlord and Tenant Notebook

### STATUTORY TENANT'S RIGHT TO OPTION

WHEN holding, in *Longmuir v. Kew* [1960] 1 W.L.R. 862; p. 665, *ante*, that a statutory tenant had no right to exercise an option to purchase the freehold conferred by the expired original tenancy, Cross, J., had occasion to draw certain interesting distinctions.

In June, 1939, the plaintiff had taken a five years' lease of a dwelling-house, which was then decontrolled or otherwise uncontrolled. One provision ran: "And it is hereby agreed that the tenant has the right of option to purchase at any time at £675 . . ." When the term expired, the tenant was in, and retained, possession, retaining it by virtue of the Rent, etc., Restrictions Act, 1939; and some five years later he purported to exercise the option. The landlord resisted and the tenant sued for a declaration.

The numerous authorities cited suggested that three distinctions might be drawn. A distinction between cases in which the question was, and cases in which it was not, provided for by the terms of the option itself; a distinction between options to purchase and options to renew; and one between holding over and retaining possession under the Rent Acts.

#### Specific provision

Cross, J., first referred to *Moss v. Barton* (1866), L.R. 1 Eq. 474, in which a tenant, holding over after a three years' term, was held entitled to exercise an option for an "extended lease" for five, seven, fourteen or twenty-one years. The option was expressed as an agreement to grant such lease at the request of the tenant, and the landlord was held liable to make the grant in response to a request made some four years after the three years' term had expired. Next, the learned judge cited *Buckland v. Papillon* (1866), 2 Ch. App. 67, in which the purchaser from a bankrupt tenant's assignee, the tenant having held over, was held entitled to the benefit of a right to a lease which the landlord had undertaken to grant "whenever called upon so to do."

But in *Re Leeds & Batley Breweries, Ltd.* [1920] 2 Ch. 548, a right to purchase the unexpired residue of the mesne lessor's lease if notice were given "at any time six calendar months before the determination of" the (under) lease was held not to be an incident of a (sub) tenancy created by holding over.

Then in *Rider v. Ford* [1923] 1 Ch. 541, in which a tenant had the option of purchasing either the freehold or a ninety-seven years' lease, no time being specified for notification, Russell, J., held that it was exercisable six years after the seven years of the term had elapsed, the tenant still being in possession.

The effect of these decisions, then, is that in the absence of provision to the contrary, a tenant holding over is entitled to exercise such an option.

#### Purchase or renew

At one or two points in his judgment, Cross, J., touched upon the possible difference between a case in which the option was an option to renew and one in which it was an option to purchase. It will have been observed that the two first decisions cited above concerned options to renew, the distinction being that *Re Leeds & Batley Breweries, Ltd.*, involved an option to purchase, and *Rider v. Ford* an option of each kind; but the idea of demanding sale was abandoned because it was thought (mistakenly, as subsequently appeared: *Hutton v. Watling* [1948] Ch. 398 (C.A.)), that it infringed the rule against perpetuities. The difference was certainly not the *ratio decidendi* in *Re Leeds & Batley Breweries, Ltd.*, and in *Rider v. Ford*, strongly relied upon by the tenant, Russell, J., definitely indicated that in his view no distinction should be drawn.

Nevertheless, passages from Cross, J.'s judgment at least suggest that it might make a difference. The learned judge pointed out that the cases cited were cases in which the landlord could have turned the tenant out at the expiration of the original tenancy—about which more will be said when I come to examine the possible importance of the statutory tenancy, and also observed, later ". . . I think it a little easier to read an option to renew a term as applying throughout the relationship of landlord and tenant, even if the original term has expired, than it is in the case of an agreement to purchase the freehold."

#### "Continuance"

Another decision strongly relied upon by the tenant was *McIlroy, Ltd. v. Clements* [1923] W.N. 21. In that case a statutory tenant was held entitled to exercise an option for a new lease. It is a pity that the decision was not more fully reported, for P. O. Lawrence, J.'s judgment is difficult to follow. The learned judge held that the option was not one of the terms of the original contract of tenancy to the benefit of which a statutory tenant is entitled by virtue of the Increase of Rent, etc., Restrictions Act, 1920, s. 15 (1); that *Moss v. Barton* and *Buckland v. Papillon* had shown that, so long as the tenant remained in possession with the consent of the landlord, the option, although not a term of the original contract of tenancy, was exercisable by the tenant; and that in the case before him, the landlords had not consented, but that the same effect seemed to result by reason of s. 15. Ignoring the "although not a term of the original contract," which suggests some inaccuracy, Cross, J., made the following statement: "As I understand the report, P. O. Lawrence, J., said, in effect, that although the option to renew was not one of the terms of the tenancy which became applicable to a statutory tenancy by virtue of s. 15 . . . ,



## KING EDWARD'S HOSPITAL FUND FOR LONDON

*Patron:* H.M. THE QUEEN

*President:* H.R.H. THE DUKE OF GLOUCESTER

Many LEGACIES have been left to the Fund in confidence that the income would be wisely administered and used in those directions in which it would be of the utmost benefit to the hospitals.

The Fund occupies a unique position in the hospital world in London, but the possibility of continuing disbursements on the scale of recent years is ultimately dependent upon the continued support of the Fund by those who appreciate its work. It stands outside the National Health Service and none need feel any hesitation in leaving to it legacies intended to benefit the hospitals.

Copies of the Report containing lists of grants and present activities will gladly be sent on request.

*Treasurer:* LORD ASHBURTON

*Secretary:* A. G. L. IVES, C.V.O.

34 KING STREET, LONDON, E.C.2

Telephone: MONarch 2394

## SPINK & SON, LTD.

5, 6 & 7 KING STREET, ST. JAMES'S, LONDON, S.W.1

Tel: WHItchall 5275

Cables: Spink, London.

EST. 1772

### VALUATIONS FOR PROBATE AND INSURANCE

*and Buyers of:*

ANTIQUE SILVER, JEWELLERY,  
ORIENTAL WORKS OF ART,  
COINS, MEDALS & DECORATIONS,  
FINE FRENCH PAPERWEIGHTS,  
ENGLISH PAINTINGS & DRAWINGS,  
EGYPTIAN & CLASSICAL  
ANTIQUITIES

THEY LOOK  
TO YOU  
FOR HELP



THERE is still all too much hardship among ex-soldiers and bereaved wives and children. Many are in financial difficulties. They must rely on the benevolent funds of Corps and Regimental Associations—which in turn rely on the Army Benevolent Fund, the central fund of all military charities.

This is a really good cause that *deserves* your support. When discussing charitable bequests with your clients—particularly those with an Army background—please recommend this Fund.

Donations and legacies should be made payable to:

### THE ARMY BENEVOLENT FUND

*Patron:* Her Majesty the Queen

20 GROSVENOR PLACE, S.W.1. Tel: BELgravia 5639

*PRESIDENT:*

GENERAL SIR JAMES STEELE,  
O.C.B., E.B.E., D.S.O., M.C., L.D.

*SECRETARY:*

BRIGADIER C. P. R. JOHNSON,  
C.B.E.

(Registered under the War Charities Act, 1940)

nevertheless, by virtue of the Act the relationship of landlord and tenant continued between the parties, and the tenant continued to have the right to renew the tenancy on the principle of *Buckland v. Papillon*, notwithstanding the fact that the landlord was not contented with his carrying on [the report in [1960] 3 All E.R. 26 makes this "had not consented to his remaining in possession"] but wished him to go out."

Neat; but in my respectful submission the statement takes no account of decisions showing that the relationship of landlord and tenant cannot fairly be said to be continued between the parties. That there is a new relationship has been demonstrated over and over again; I might mention *Strutt v. Panter* [1953] 1 Q.B. 397 (C.A.), with Lord Evershed, M.R.'s: "A statutory tenancy can only come into existence . . . after the contract has been determined"; and the exposition of the difference between a statutory

tenancy and a tenancy by holding given in *Morrison v. Jacobs* [1945] K.B. 577 (C.A.), which would show that, while it is true that holding over creates a new tenancy, there is a world of difference between one who can be said to be "still a tenant of the landlord" (*Moss v. Barton*) or to "remain" a tenant (*Buckland v. Papillon*) by consent and one who has "a merely personal right of occupation": *Carter v. S.U. Carbuiretter Co.* [1942] 2 K.B. 288 (C.A.).

Be that as it may, the *ratio decidendi* of Cross, J.'s judgment was that when the agreement before him was made the parties cannot have contemplated that the option would continue to be available in such circumstances. As a matter of construction, the "at any time" did not extend till 1959 (when, owing to unforeseen circumstances, the £675 represented far less than the value of the freehold with vacant possession).

R. B.

## LAW IN A COOL CLIMATE—I

"WHERE," asked Sir London Thomas, pressing a key on the intercom, "is Refrigia?" The correct reply came immediately. "It is a recently discovered country in Antarctica. Thanks to the freak occurrence of hot springs, it has a temperate climate and is said to be in every respect similar to England. It was colonised about the year 1800 by the crews of whalers who had fortunately taken their women but not their solicitors with them. The inhabitants have deliberately shunned all contacts with the outer world, but have secretly maintained communication via New Zealand and have developed all modern inventions in parallel with ourselves. They are said to have copied most of our institutions and even to have improved upon them. It is now possible to travel to Refrigia by B.O.A.C. leaving London Airport every Thursday afternoon."

"I will," replied Sir London, "visit Refrigia. I might even take one or two members of the Council with me."

The following Thursday afternoon a party of three left London Airport for Refrigia. Sir London, wisely travelling with two sets of luggage, as though preparing for Washington in August and Ottawa in September, followed two members of the Council into the aircraft. The first was Mr. Bull, an experienced provincial solicitor, and the other was Mr. Bear, a smooth character from London.

The party arrived at New London, the capital of Refrigia. They were met by Sir Ambrose Leeward, the secretary of the Law Society of Refrigia. In the course of the next two days, during which hospitality was dispensed and many public buildings visited, Sir Ambrose addressed his visitors in the following words.

### Administration of justice

"You may find it a little hard at first to understand the organisation of our courts of justice. Our methods were a little rough and ready at first, just a gallows or two, but we have read everything written in England about your legal system during the past hundred years and, although it took some time, we have even read the curious volume bound in white containing the rules of your Supreme Court. We did not quite feel up to following you exactly. We are not quite such a rich country as you are and we have to be careful to avoid wastage either of time or money. It struck us as a basis that the obvious thing was to have a single system of

courts. We spent a great deal of time trying to understand why you have magistrates' courts, county courts and an entirely separate High Court, not to mention a lot of other interesting courts which are largely historic survivals. After all, justice is a unity. The same standards, no higher and no lower, ought to be applied to judgments relating to crime and to civil wrong, whatever their severity in nature.

### County courts

In particular, we were quite unable to understand your county court system. We observed that you take considerable care to select able men from among the ranks of the Bar, exactly the same source of supply as you draw upon for judges of the High Court. Indeed, one cannot help feeling, when reading judgments of county court judges and High Court judges, that some of the county court judges are men of exceptionally high ability and that some of the High Court judges are not of quite equal standard. In general, there does not seem to be a great deal to choose between them. Even if one assumed that you took care to choose moderately good barristers for county court judges and very good barristers for High Court judges, this seems to overlook the fact that judgment is itself an art which is quite distinct from advocacy. If there is any justification for having two grades of judges, surely the right way to work would be to start all new judges in the inferior position, and to select those that proved themselves to be adept at the special skills required of a judge for promotion in due course to the higher grade.

Moreover, the actual rules which you have drawn in England circumscribing the powers of county court judges do not bear examination (if you will forgive me) for one moment. Why should a judge be regarded as fit to give judgment in respect of a claim arising out of a motor accident if the damaged vehicle was worth £399 but not if it was worth £401? No doubt such fine distinctions do not often arise in practice, but I cannot for the life of me see that there is any difference in the problem involved in deciding a common-law claim of £400 and one of £4,000. Indeed, the complexity of the law in any case is seldom in any relation to the quantum of the damages claimed. A £4,000 claim might be of the greatest simplicity, whereas a £400 claim might involve exceptional questions of law and fact.



## NEW BUTTERWORTH BOOKS

### MUNKMAN'S DAMAGES FOR PERSONAL INJURIES AND DEATH

2nd Edition

JOHN MUNKMAN, LL.B., *Barrister-at-Law*.—As a reviewer in *THE MAGISTRATE* wrote of the previous edition, "All who are concerned in the assessment of monetary compensation for personal injury and death will find this concise volume a most helpful statement of the present law and practice." The second edition has been extensively revised and it thus offers an up-to-date account of the subject, including such new information as the important Fatal Accidents Act, 1959.

30s. net, by post 1s. 6d. extra

### CAIRNCROSS'S INTRODUCTION TO ECONOMICS 3rd Edition

ALEC CAIRNCROSS, *Professor of Applied Economics at the University of Glasgow*.—This has long been one of the most widely used text-books on Economics. The book is written simply, practically and consecutively, and is therefore easily understood, even by those approaching economics for the first time. It has been extensively revised; a considerable amount of new matter is included in the introductory chapters, and a certain amount of re-writing and re-arrangement has also taken place. The sections on money and employment have been completely re-written in the light of the report of the Radcliffe Committee of which the author was a member. The Third Edition thus offers an up-to-date account of present-day economics.

20s. net, by post 2s. 6d. extra

BUTTERWORTHS, 88 Kingsway, London, W.C.2

Showroom: 11-12 Bell Yard, Temple Bar, W.C.2

## SPLICE THE MAIN BRIEF!



Tots all round from the Central Barrel! That is how the work of King George's Fund for Sailors seems to seamen. For from this central 'barrel' come funds for over 120 Sailors' Benevolent Societies. It needs to be a big 'barrel' indeed to help all ranks of all sea-services everywhere.

So when your client wants to know how best to aid seafarers there is no better 'brief' than King George's Fund for Sailors.

### King George's Fund for Sailors

1 Chesham Street, London, S.W.1 SLOane 0331 (5 lines)



## Young and Healthy?

Then medical examinations don't bother you and Life Assurance is yours more or less for the asking. But you can't afford big premiums yet and if you wait until you can, your health may not be quite what it is today.

That is why you should know about the Progressive Benefits policy now. It gives you the usual sort of Whole Life or Endowment policy with the important difference that you can add as many as five more policies over the next fifteen years, whatever your state of health may be.

As far as the Progressive Benefits policy is concerned you are always in the pink of good health.

Write for full details to:

**LEGAL & GENERAL ASSURANCE SOCIETY LIMITED**

CHIEF ADMINISTRATION: 188 FLEET STREET, LONDON, E.C.4. TEL: CHANCERY 4444

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements

# DAVIES INVESTMENTS LTD

**BANKERS**

**GROSS ASSETS £2,000,000**

Are paying  $7\frac{1}{2}\%$  p.a. interest on deposits for the seventh year  
in succession, with  $\frac{1}{2}\%$  added annually on each £500 unit.

Full details and Audited Balance Sheet from : Investment Dept. S

**DAVIES INVESTMENTS LTD., Danes Inn House, 265 Strand, London, W.C.2**

## THE HOSTEL OF GOD

Clapham Common, London, S.W.4

Founded 1891

75 beds

Patron: H.M. Queen Elizabeth The Queen Mother

Management: The Anglican Sisters of St. Margaret's  
East Grinstead and Council

Object: The care of those—without regard to creed or country—who are in the last stages of a mortal illness (97% Cancer).  
No fees are charged.

The Appeal Secretary of the Hostel, which is entirely dependent on legacies and donations, will gladly give further details and send a simple "Form of Bequest".

Telephone: MAC 6160

## CAMERAS OF COURSE

**CITY SALE & EXCHANGE LTD.**

93/4 FLEET ST., LONDON, EC4

TEL. FLE 9391

**A WALLACE HEATON COMPANY**

## BIBLES

**IN MANY LANGUAGES**  
are continually needed by Ministers,  
Missionaries and other Christian Workers

**IN MANY LANDS**  
substantial help is often  
**FREELY GIVEN by the**  
**TRINITARIAN BIBLE SOCIETY**  
7 Bury Place, London, W.C.1 (HOL 9460)

GIFTS and LEGACIES help to maintain  
and extend this VITAL WORK

## The Gentlemen's Work and Help Society (Inc.)

ESTABLISHED 1891

requests your help to cover  
increasing costs of Students'  
Training, Annuities for the  
elderly and the maintenance  
of the Needlecraft Depot

Annual Report available on request to :  
The Secretary, 1 Ridgefield, King Street,  
Manchester, 2

## ANTIQUE SILVER AND PLATE

Purchased at Highest Prices

Valuations for Probate and Insurance

**BENTLEY & CO.**

45 New Bond Street, London, W.1 (Mayfair 0451)

## THE WILL TO



**A WILL** to do good.

**A WILL** to assist those who serve  
others.

**A WILL** to leave a bequest to the  
Florence Nightingale Hos-  
pital, which by service at  
little cost to those in sickness  
commends itself to fullest  
consideration.

**A WILL** that will do good. Will you?

The kindly consideration of the legal  
profession in advising their clients as  
to bequests is urgently desired. Details  
may be obtained from the Appeal  
Secretary.

**Florence  
Nightingale  
HOSPITAL**

19 Lisson Grove, London, N.W.1.  
PADDington 6412.

## PRIVATE INVESTIGATIONS BURR & WYATT

LIMITED

4 CLEMENT'S INN, STRAND, LONDON, W.C.2  
HOLborn 1982 (4 lines) :: Established 30 years

Members of  
Association of British Detectives  
Associated American Detective Agencies  
Associate of Licensed Detectives of New York State

By Order of the Court of Protection, Trustees, Executors  
and Others

For SALE by PUBLIC AUCTION by  
**RANDALLS**

Chartered Surveyors

at the Auctioneer's Offices

67, CRANBROOK ROAD, ILFORD

on TUESDAY EVENING, SEPTEMBER 20  
1960, at 7 p.m.

**WITH VACANT POSSESSION**  
10, BETTERTON ROAD, RAINHAM, ESSEX  
40, TORONTO ROAD, ILFORD

**FOR INVESTMENT**

THE FREEHOLD CORNER SHOP  
422, GREEN LANE, SEVEN KINGS

THE FREEHOLD MODERN DETACHED  
RESIDENCE

57, SANDFORD ROAD, EAST HAM, E.6  
and the

**FREEHOLD GROUND RENTS**

secured on

12, PERTH ROAD, and

15 and 25, MONTREAL ROAD, ILFORD  
together producing

Per £325 10s. Annum

Particulars and Conditions of Sale from the  
Auctioneers:

Messrs. RANDALLS

67, Cranbrook Road, Ilford, or 20, Woodford  
Avenue, Gants Hill, Ilford

Tel.: VALEntine 6272

(10 lines and 24-hour telephone service)

## COINS AND MEDALS

COLLECTIONS OR SINGLE SPECIMENS  
BOUGHT AND SOLD

**VALUATIONS MADE**

**A. H. BALDWIN & SONS, LTD.**

Robert St., Adelphi, W.C.2

TRAFalgar 2455

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements



Quite apart from that, you already make provision for county court judges to deal with matters in probate up to a value of £1,000. How do you justify that? Is it because hardly anybody ever uses the probate jurisdiction of the county court and you therefore throw out a wider net in order to encourage business? Is there the slightest logic in such an arrangement?

Then when county court judges come to decide disputes over leases under the Landlord and Tenant Act, 1954, what is the limit of their jurisdiction there? I was reading one of your reported cases recently where the lease related to a factory at a rental of £5,000 a year. The capital value of such a factory I suppose must be somewhere well in excess of £50,000, possibly even £100,000. Yet nobody even comments when this is left to a county court judge. If the self-same county court judge essayed to decide a claim for payment of a wine merchant's bill amounting to £410 he would be held to have exceeded his jurisdiction.

### Magistrates

Again, what are all these unpaid magistrates doing? We fully appreciate the importance of the English theory of trial by jury. We treasure it and perpetuate it in our own system. By all means entrust the laymen, the peers of the man litigating or on trial, with the settlement of questions of fact in a serious issue. We feel ourselves there is much that is objectionable in ever allowing a single individual, even a judge, to decide a question of fact on the basis of conflicting evidence. A jury is available to everybody in *Refrigia* on request. If the issue affects his liberty, as in a criminal trial when imprisonment might follow, he is entitled to a jury free of charge. In any other case he can have a jury provided he pays the expenses of the jury and compensates them for their loss of time. The party demanding the jury pays this bill whatever way the result goes. If he is frightened of the cost, he can opt for a small jury of three, five, seven or anything up to the maximum of eleven. All our juries, by the way, comprise odd numbers, and their decision is a majority decision.

But your magistrates! We appreciate that at one time magistrates were mainly selected from the ranks of landowners and that was in the days when landowners were the heads of a tribe of tenant farmers, workers, tradesmen and their families. The rule may have had its weaknesses but at least one can see that such people must have had experience in their daily life of effecting difficult judgments. To-day your magistrates appear to us to have very doubtful qualifications. Urban district councillors, do-gooders in various charitable fields, well-to-do retired business men who have never had anything more difficult to do than judge the quality of tea, how can you leave the administration of legal problems to such people? What experience have they of the abstruse science of applying the correct degree of punishment in particular cases? We know, of course, how you English love to trust the amateur, but we feel this is a case where your love of the amateur has degenerated into lust.

### Town court

You will see that our courts, criminal and civil, are all one system. There is, to start with, the town court. Incidentally, what an inappropriate name county court is in your country, where no such court ever deals with the affairs of an entire county. We have a town court in every sizable town sitting as often as business justifies. It is presided over by a town court judge, selected from among leading members of the Bar, just as you select your county court and High Court

judges. He is bound to have a jury in certain cases, and may have them in any case. The court has its own offices in the same building, and times for the hearing of each case can be booked. There is a floating reserve of judges who are brought in when a case over-runs its time, so that the next case can be started punctually while the first case runs on to its conclusion. We remind all our judges upon appointment that they must not be afraid of a little idleness. If a case should be finished earlier than expected or withdrawn for any reason, the judge is pleased rather than otherwise. He may appreciate the opportunity to retire to the comfortable library provided for him in every court house where he can refresh his memory of the law which will be discussed in some case shortly to be heard, or may consider a judgment he has not yet delivered. If he is lucky enough to be left with a half-day free, then he is very proud to be seen on the golf course, where his friends will congratulate him on the expedition with which he must have concluded his morning case, or the tact with which he may have guided the parties to reach a settlement which has avoided hearing the case at length. After all, it is the public that comes first. They pay the bills and the judges are there to minister to the needs of the public, not vice versa.

### Provincial court

A disappointed litigant or a convicted criminal can appeal from the town court to the provincial court. This is a court of three judges, roughly corresponding to your divisional court, but the judges, having been promoted from the ranks of town court judges, are used to the rough and tumble and special problems of courts of first instance.

We follow your excellent practice of excluding witnesses from the provincial court. The court has the benefit of a shorthand note (we agree with you that tape recordings are not yet sufficiently reliable, although we are continuing to experiment with them), but the court is bound to accept any findings of fact by the judge or jury in the town court. The three judges do not each deliver a separate judgment. They agree in private on a decision which is either unanimous or of a majority and in either case a single judgment is delivered by the senior judge. All this is rather like your system except for the single judgment and the fact that the judgments are rather different. We do not encourage judges to ramble on reviewing the facts of a case to an audience which already knows them. The judgment is expected to state the legal issues concisely and then to give decisions with reasons. The judgments rarely take more than two or three minutes to read. The three judges afterwards agree and file a summary of the facts and the questions of law and of their decision, and this summary is circulated free of charge to all solicitors and barristers.

### High Court

Finally, there is the High Court, which is our name for the court which virtually has the same function as your House of Lords. This is a court of five, picked from judges with long experience in the provincial court. We have the greatest confidence in them, and, incidentally, they are able to read typescript as well as print."

"Tomorrow," said Sir Ambrosia to Sir London and his companions, "I will show you something of our procedure and our system of costs."

(To be continued)

E. A. W.

---

The annual conference of the American Bar Association opened in Washington on 29th August, attended by more than 1,400 British lawyers and their wives.



## HERE AND THERE

### ALL THE SAME

THE motor car will finally become extinct, along with all other means of personal travel, when it has finally and irrevocably defeated, nay, routed, its own end. The only object of travel is to see places that are new and strange, to eat strange foods, to taste strange drinks, to sleep in strange beds under fantastic and undreamt-of roof-trees. But as travel becomes more and more a mere branch of the oil industry or the engineering industry or the industry of mass tourism, the motives for transferring yourself from one place to another shrink and decrease in proportion as every place becomes the same as every other place—the same broad featureless roads, on which it is death to linger, the same vast cliffs of termite flats and offices, the same featureless subtopian suburbs criss-crossed with wires, the same streets of chain stores, the same garages and petrol stations, the same hotels, the same standardised feeding-places and the same standardised food. When all this has been finally achieved travel will become a mere foolish waste of effort—far better stay where you are and watch cinerama. Far better stay where you are now. A world in which everyone interminably buzzed about with the aimlessness of a cruising bluebottle would be a world as monotonous as the buzz of a bluebottle (which, incidentally, enormously magnified, is the characteristic sound of the modern engines of locomotion). Every town or village worth a second glance has been the creation of generations rooted in some steadfast piece of earth. Nomads belong nowhere.

### ONLY ONE ROQUEFORT

ROOTEDNESS bears upon the whole of life, not only buildings, but food and drink. Every locality with pride enough in itself to be worth living in should boast of its own individual food as it should boast of its towns or its churches, its lanes or its mountains. Yorkshire should defend the integrity of York ham with so jealous an intensity that men should come on pilgrimage from the ends of the earth to taste it. Men should ride a cock-horse from Land's End to eat Banbury apple-pie beside the Banbury Cross. It should be (and is) as absurd to talk of sherry from the Antipodes as to speak of Sussex Downs in San Salvador. New South Wales should not regard itself as a mere facsimile of old South Wales. Is language or the world enriched because any sort of fizzy alcoholic drink can bear the name of the blood and toil soaked plains of northern France? That is why I was happy to hear of the recent decision of the Federal Court of New York in

the case of Roquefort cheese. The true, the original, the individual Roquefort cheese has a local habitation and a name in the caves of Aveyron where it is cured and matured. But a New York company is alleged to have been selling under that name a cosmopolitan compound of Italian and Hungarian sheep's milk manufactured into a blue-mould cheese. The court has reaffirmed the right of the community of Roquefort to the exclusive use of the name which its genius and labour has enriched.

### THE NOSE DETECTIVES

So far so good, but there is an intriguing aspect of the case in that it reveals the existence of a highly efficient network of cheese detectives (or perhaps we should say "private noses") vowed "to try to keep the people who sell cheese honest." So perhaps that eloquent nineteenth-century jury advocate was not so far adrift on the waves of hyperbole when, in the course of a libel action, he declaimed: "The reputation of a cheese-monger in the City of London is like the bloom upon a peach; breathe upon it and it is gone for ever." No doubt these dedicated sleuths will go anywhere and do anything. In these days of space travel be sure that they are ready at a nod to board a rocket to investigate the old rumour that the moon is made of green cheese. Like knights on the quest they serve Roquefort Association Incorporated of America, whose chivalrous ideal was expressed by one of its officials: "The average American housewife can't tell blue cheese from Roquefort. It is up to us to protect her." He spoke of "our agents in the field" as of a police or military operation. How can one picture them? We know that the ordinary beat-pounding police constable is supposed to be recognisable by his boots. At the parades of the cheese detectives does one see a whole squadron of Cyranos, each proboscis unnaturally distended by his calling? Surely too, so as to be in the modern fashion, this police force has its handlers of police dogs trained to distinguish the true Roquefort from the false by the sniff, to smell out, run down and arrest a flying cheese and retrieve it undamaged for inspection and interrogation. Here perhaps is the proper answer to the recurrent outcry against fox-hunting by well intentioned reformers. Foxhounds could be converted to cheese-hounds and still retain the dignity and the glamour of fulfilling a useful social purpose tracking down counterfeits in their illicit cheeseries. Thus old custom would be brought into line with modern thought. Tally ho! View holloa! Gone away!

RICHARD ROE.

### COLONIAL LEGAL APPOINTMENTS

The following promotions and appointments have been announced: Mr. R. A. CAMPBELL, Chief Justice, Aden, to be Chief Justice, Bahamas; Mr. W. L. CARROLL to be Resident Magistrate, Tanganyika; Mr. N. L. COHEN to be Resident Judge of the Senior Judge's Court, Akrotiri and Dhekelia, Cyprus; Mr. S. H. A. GEORGE to be Registrar, Supreme Court, Gambia; Mr. C. A. KELSICK, Legal Draftsman, Trinidad, to be Solicitor General, Trinidad; Mr. J. A. B. LANG to be Resident Magistrate, Northern Rhodesia; Mr. R. L. LE GALLAIS, Senior Resident Magistrate, Northern Rhodesia, to be Chief Justice of Aden; Mr. J. B. MARCUS-JONES, Police Magistrate, Sierra Leone, to be Senior Police Magistrate, Sierra Leone; Mr. W. A. SIME, Q.C., Recorder of Grantham, to be Non-resident Senior Judge of the Senior Judge's Court, Akrotiri and Dhekelia, Cyprus (a part-time appointment); and Mr. K. C. TALARIDES, Magistrate, Cyprus, to be Crown Counsel, Cyprus.

### FAILURE TO FILE COMPANY RETURNS

On 24th August, Buckley, J., sitting in the Companies Court, ordered that Mr. C. N. D. Over, accountant, be released from Brixton Prison on the ground that he had sufficiently purged his contempt of court in failing to comply with orders made at the suit of the Registrar of Companies for the filing of statutory returns under the Companies Act, 1948, as receiver and manager of one company and voluntary liquidator of two other companies. He had been in custody since 8th August.

### Wills and Bequests

Mr. C. M. BOWSER, solicitor, of Long Sutton, Lincolnshire, left £29,299 net.  
Mr. S. B. G. JENKINS, solicitor, of Llanidloes, left £3,944 net.  
Mr. O. C. LITTLER, solicitor, of Stockport, left £66,342 net.

## REGISTER OF AUCTIONEERS, VALUERS, SURVEYORS, LAND AND ESTATE AGENTS

### LONDON

#### CITY OF LONDON

**BRIGHTWELL & MADDOCK**, 29 Ludgate Hill, E.C.4. Tel. CITY 1962/6781.  
**CHAMBERLAIN & WILLOWS**, 23 Moorgate and 58 Coleman Street, E.C.2. Tel. METropolitan 8001 (10 lines).  
**DEBENHAM, TEWSON & CHINNOCKS**, 8 Telegraph Street, Moorgate, E.C.2. Tel. Monarch 5962 (Private branch exchange).  
**DOUGLAS YOUNG & CO.**, 12 Coleman Street, E.C.2. Est. 1868. Tel. MON 9378 and at Clapham, S.W.9.  
**DRON & WRIGHT**, 17 Coleman Street, Moorgate, E.C.2. Tel. Monarch 6946 (PBX).  
**GOOCH & WAGSTAFF**, Chartered Surveyors, 3 & 4 Old Jewry, E.C.2. Tel. Metropolitan 9444.  
**HICKLENTON & PHILLIPS**, Specialists in Valuation of Jewels and Silver for probate or purchase, 90 Cheapside, E.C.2. METropolitan 9441.  
**HORNE & CO.** (Founded 1795), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 9 Ironmonger Lane, E.C.2. METropolitan 8105 (3 lines).  
**KING & CO.**, Chartered Surveyors, Factory Valuers and Agents, 71 Bishopsgate, E.C.2. Tel. LONDON Wall 7201 (5 lines). See also North London.  
**MARK LIELL & SON**, Chartered Surveyors, 9-13 Crutched Friars, E.C.3. Telephone ROYAL 5454. And East London.  
**MATTHEWS & GOODMAN**, Chartered Surveyors, 35 Bucklersbury, E.C.4. Tel. CITY 5627.  
**MOORE, C. C. & T.**, Chartered Surveyors, 13 Lime Street, E.C.3 (Established 1820). Tel. MAN 0335/7.  
**RICHARD ELLIS & SON**, Chartered Surveyors, 165 Fenchurch Street, E.C.3. Est. 1773. Tel. MINcing Lane 4272.  
**ST. QUINTIN, SON & STANLEY**, Chartered Surveyors, 149 Leadenhall Street, E.C.3. Est. 1830. Tel. AVENUE 6055.  
**TOPLIS & HARDING & FINDLAY**, 13/14 Union Court, Old Broad Street, E.C.2. Tel. LONDON Wall 7071.  
**HAROLD WILLIAMS & PARTNERS**, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288. And at 80 High Street, Croydon. Tel. Croydon 1931.

#### NORTH LONDON

**ALFRED SLINN & CO.** (Est. 1889), Muswell Hill Broadway, N.10. Tel. TUD 0091 (5 lines).  
**BARBER & MOORE, F.A.L.P.A.**, 26 Stoke Newington Road, N.16. Tel. CLIsold 2143/4.  
**BATTY & STEVENS**, 269 Archway Road, Highgate, N.6. Tel. MOU 3424-5. Also at Muswell Hill, Finchley and Barnet, Herts.  
**KING & CO.**, Chartered Surveyors, 725 Green Lanes, N.21. Tel. LABurnum 1137 (4 lines). See also City of London.  
**J. MAUNDER TAYLOR**, Chartered Surveyor, Chartered Auctioneer and Estate Agent, 1318 High Road, N.20. Tel. HILside 2377/7217.  
**NEWBON & SHEPARD**, Auctioneers, Surveyors and Estate Agents, 274/5 Upper Street, Islington, N.1. Tel. CANnonbury 1800.  
**PERRY & SEYMOUR**, Surveyors, Valuers and Estate Agents, 6 Stoke Newington Road, N.16. Tel. CLIsold 6611/2.  
**H. PUTT & SONS**, Chartered Surveyors, 580 Green Lanes, London, N.8. Tel. STA 3750. Valuations for Probate and Compulsory Acquisition. Urban Estate Managers.  
**STURT & TIVENDALE**, Chartered Surveyors, 1261 High Road, Whetstone, N.20. HIL 3331/2 and at Highgate, N.6, and Muswell Hill, N.10.  
**WARD, SAUNDERS & CO.**, 298/299 Upper Street, Islington, N.1. Tel. Can 2487/8/9.

#### NORTH-EAST LONDON

**H. EDELMAN & CO., F.A.I.**, Chartered Auctioneers and Estate Agents, Surveyors, Valuers, 172 Clapton Common, E.5. STA 0036.  
**WH. STEVENS & SON**, 5 Dalston Lane, E.8. Auctioneers and Surveyors. Est. 1869. Tel. CLIsold 1802. Also at Brondesbury, N.W.6, and Edgware.

#### NORTH-WEST LONDON

**ANDREWS, PHILIP & CO., F.R.I.C.S.**, Chartered Surveyors, 275 Willesden Lane, N.W.2. Tel. Willesden 2236/7.

#### NORTH-WEST LONDON (continued)

**ANSCOMBE RINGLAND**, G. B. Slater, W. Andrews, J. G. Slater; Chartered Surveyors, 8 Wellington Road, N.W.8. Tel. PRI 7116.  
**BENNETT & CO.**, Surveyors, Valuers, Auctioneers, 167 Cricklewood Broadway, N.W.2. Tel. GLADstone 6666 and 7871 (6 lines).  
**CAMERONS** (Est. 1908), Estate Agents and Valuers, 90 Walm Lane, N.W.2. Tel. WIL 0091.  
**T. B. WESTACOTT & SONS**, Surveyors, Valuers and Auctioneers, 74 Camden Road, N.W.1. Tel. GULLiver 3331/2. And at Strand, Tel. Temple Bar 0525.

#### SOUTH-EAST LONDON

**BLAKE & DANNATT** (Est. 1875), Chartered Surveyors, R. S. Jackson, F.R.I.C.S., F.A.I., George Dannatt, F.R.I.C.S., F.A.I., 10 Nelson Road, S.E.10. Tel. GREENwich 0593/0560.  
**EASTMAN BROS.**, Estate Agents & Valuers, 280 Kirkdale, S.E.26. Tel. SYD 6601.  
**EDWIN HILL & PARTNERS**, Chartered Surveyors, 22 Borough High Street, London Bridge, S.E.1.  
**FURLONG (H. J.) & SONS**, Surveyors, Auctioneers and Valuers, 1 Woolwich New Road, Woolwich, S.E.18. Tel. 1467/8. And at Eltham, S.E.9, and branches.  
**HUMPHREYS, SKITT & CO.** (Est. 1793), 205 Greenwich High Road, S.E.10. GRE 1102/3.  
**LANG, ROBERT J., LTD.** (R. D. Lang, F.R.I.C.S., F.A.I., J. H. Peroux, F.A.L.P.A.), Auctioneers and Surveyors, 8 Thomas Street, Woolwich, S.E.18. WOO 6787/8/9. 1 Central Parade, Catford, S.E.6. HIT 6367/8. Est. 1907.  
**NOYS & HOWES, F.A.L.P.A.**, 4 Sydenham Road, S.E.26, and 137 Anerley Road, S.E.20. Tel. Syd. 5173, 6293, and 4742.  
**PEARSONS**, Chartered Surveyors, 189/191 Stanstead Road, Forest Hill, S.E.23. Tel. FOR 1133/6.  
**VICTOR W. HINDWOOD & CO.**, Auctioneers and Surveyors, 37 Charlton Church Lane, S.E.7. Tel. GREENwich 1145/5/6. Blackheath Village, S.E.3. Tel. LEE 3747. And Branches.

#### SOUTH-WEST LONDON

**ACLAND & CO.**, Estate Agents, Surveyors and Valuers. Rents collected, 193 New King's Road, S.W.6. Tel. REN. 1368/9 & 2317. Also at Richmond, Surrey (q.v.).  
**ANLEY & CO.**, Auctioneers and Surveyors, 853 Fulham Road, S.W.6. REN 2383/5.  
**GEORGE BELBIN & CO.**, Chartered Surveyors and Valuers, 1 Knightsbridge Green, S.W.1. Tel. KNIGHTS-bridge 8946/8.  
**CALLOW & CO.** (Estab. 1845), 1 Leigham Court Road, Streatham, S.W.16. Tel. STR 0185/6 & STR 5252.  
**EDWIN EVANS & SONS** (Est. 1880), Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 251 & 253 Lavender Hill, Clapham Junction, S.W.11. Tel. BAT 0051 (4 lines). And at Morden, Surrey. Tel. MIT 2281.  
**FINCH & CO., F.R.I.C.S., F.A.I.**, 18 Kingston Road, Wimbledon, Tel. LUB 3345. And Clapham, S.W.4.  
**W. HALLETT & CO.** (Est. 1869), Surveyors, Valuers and Estate Managers (L. J. Nixon, A.R.I.C.S.), Chartered Surveyor, A. R. Nixon, A.A.L.P.A.), 6 Royal Parade, Kew Gardens, Richmond, Tel. RICHmond 1034 and 5950.  
**C. ERNEST MANEY, F.A.I., F.V.I.**, 1 Cavendish Parade, South Side, Clapham, S.W.4. Tel. 4414.  
**RAYNERS**, Property Managers, 30 Upper Richmond Road, Putney, S.W.15. Tel. VANDyke 1000/3166/4242.  
**TAYLOR, A. W., & CO.**, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 159 Putney High Street, S.W.15. Tel. Putney 0034 (3 lines). Est. 1883.  
**WATSON & EWEN** (Est. 1896), 366 Streatham High Road, S.W.16 (F.R.I.C.S., F.A.I.), Tel. Streatham 0232 and 4788.  
**WILLIAM WILLETTS ESTATE AGENTS LTD.**, Sloane Square, S.W.1. Tel. Sloane 8141. And at 146 Gloucester Road, S.W.7. Tel. Frobbisher 2239.  
**YORK & JONES**, Office & Business Premises Specialists, 11 Palmer Street, S.W.1. Tel. ABB 1181/4.

#### EAST LONDON

**ANSTEYS** (Est. 1878), Chartered Surveyors, Auctioneers and Valuers, 511 parking Road, Plaistow, E.13. Tel. GRANGewood 0308.  
**H. J. BLISS & SONS** (Est. 1816), 162/4 Bethnal Green Road, E.2. Tel. BIS 4818/9.  
**BROWN & EWING**, Chartered Auctioneers and Estate Agents, 218 East India Dock Road, E.14. Tel. East 3872.

#### EAST LONDON (continued)

**CLARKSON & PARTNERS**, Chartered Surveyors and Estate Agents, 223 East India Dock Road, E.14. Tel. EAST 1097/8. And 23 Billiter Street, E.C.3. Tel. ROYAL 1006/7.  
**MOORE, C. C. & T.**, Chartered Surveyors, 33 Mile End Road, E.1. City Office, 13 Lime Street, E.C.3. Tel. MAN 0335/7.  
**TAYLOR, LOCKHART & LANG**, Auctioneers, Surveyors, and Estate Managers. Est. 130 years. (S. S. Lockhart, F.A.L.P.A.; J. W. Lockhart, A.R.I.C.S., A.A.I.; R. A. Lang, A.R.I.C.S., M.R.S.H.), 230/232 Whitechapel Road, E.1. BISHopgate 7378.

#### WEST-CENTRAL LONDON

**BAILEY & WOODBRIDGE**, 9 Great Russell Street, W.C.1. Tel. MUSEum 2624. Estate Agents, Surveyors, Investment Specialists.  
**BROWETT, TAYLOR & CO.**, Chartered Surveyors, 3 and 4 Lincoln's Inn Fields, W.C.2. Tel. CHA 8273.  
**BUCKLAND & SONS**, 4 Bloomsbury Square, W.C.1. Tel. HOL 0013/4. Also at Windsor, Slough and Reading.  
**PERRY & BELL**, Bell House, 175 Regent Street, W.1. Tel. REGENt 3333 (4 lines). Surveyors, Valuers, Estate Agents and Auctioneers.  
**SAVILL, ALFRED & SONS**, Chartered Surveyors, Land and Estate Agents, Valuers and Auctioneers, 51a Lincoln's Inn Fields, W.C.2. Tel. HOLborn 8741/9. Also at Chelmsford, Guildford, Norwich, Wimborne and Woking.  
**E. A. SHAW & PARTNERS** (Est. 1899), Surveyors and Valuers, 19 and 20 Bow Street, W.C.2. Tel. COV 2255.

#### WEST END LONDON

**BEECROFT SONS & NICHOLSON**—H. C. H. Beecroft, P. R. Beecroft, F.R.I.C.S., F.A.I., Valuers, Surveyors and Assessors, 32a Weymouth Street, W.1. Tel. LAIN 6721 (4 lines).  
**DOUGLAS KERSHAW & CO.**, Chartered Auctioneers and Estate Agents, Valuers, 12 Hanover Street, W.1. Tel. MAYfair 4928/9.  
**DOUGLAS YOUNG & CO.**, 1 Dover Street, W.1. Tel. HYD 6441 and at E.C.2.  
**DRIVERS, JONAS & CO.**, Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, W.1. Tel. TRAFalgar 4764.  
**FOLKARD & HAYWARD**, 115 Baker Street, W.1. Tel. WELbeck 8181.  
**HERRING, SON & DAW** (Incorporating Arthur F. Bourdas), Rating Surveyors, Valuers and Town Planning Consultants, 23 St. James's Square, S.W.1. Tel. TRAFalgar 4121.  
**MAPLE & CO., LTD.**, Estate Offices, 5 Grafton Street, Bond Street, W.1. Tel. HYDE Park 4665.  
**MULLETT, BOOKER & CO.**, Estate Agents, Auctioneers, Surveyors and Valuers, 23 Albion Street, Hyde Park, W.2.

#### WEST LONDON

**ALLEN & NORRIS, LTD.**, Estate Agents, Valuers and Surveyors, 190 Fulham Palace Road, W.6. Tel. Ful 7817/8/9.  
**ATHAWES, SON & CO., F.A.I.** (Est. 1871), Chartered Auctioneers & Estate Agents, Valuers, Surveyors and Estate Managers, Acton, W.3. (ACORn 0056/7/8).  
**BEALE & CAPPS**, Chartered Auctioneers, Surveyors, Valuers, 126 Ladbrooke Grove, W.10. Tel. PAR 5671.  
**CHESTERTON & SONS**, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. WEstern 1234.  
**COLE, HICKS & CHILVERS**, Surveyors, etc., Helens Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.  
**COOKES & BURRELL**, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665/6.  
**FARNHAM & COGLEY**, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel. WEstern 0042.  
**FLOOD & SONS**, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.  
**TIPPING & CO.**, Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6886 (4 lines).  
**GEO. WESTON, F.A.I.**, Auctioneers, Estate Agents, Valuers, Surveyors, 10 Sutherland Avenue, Paddington, W.9. Tel. Cun 7217 (5 lines).

### LONDON SUBURBS

**Barnes, East Sheen and Roehampton**—**RODNEY SCOTT & CO.** (F. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 3416/7183. And East Sheen.  
**Battersea, Clapham Junction, Tooting, Southfields**—**RAYNERS** (Neville Rayner, J.P., F.V.I., F.R.V.A.; L. S. E. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel. BATTERsea 8686. Four Offices.  
**Blackheath and Sidcup**—**DYER, SON & CREASEY**, Chartered Surveyors, 23 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.  
**Brentford (for West London and West Middlesex)**—**LINNEY, MATTHEWS & CO.** (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

**Chiswick and Bedford Park**—**TYSER, GREENWOOD & CO.**, 386 High Road. H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffen, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. CHIswick 7022/3/4.  
**Ealing, Ealing Common and District**—**JONES & CO.**, F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.3. Tel. ACO 5006 (3 lines).  
**Ealing, Hanwell and District**—**P. CHASE GARDENER AND CO.**, Auctioneers, Surveyors, Valuers and Estate Agents, 87 Uxbridge Road, Hanwell, W.7. Tel. EALing 1918.  
**East Ham—HARLETT'S** (LEWIS J. HARLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13. Surveyors and Estate Agents. Est. 1893. Tel. GRANGewood 0546.

(continued on p. xiv)

**East Sheen, Barnes and Richmond**—**C. & E. MELVILLE** (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen, S.W.14. Tel. PROspect 1021/2/3.  
**Edgware**—**E. J. T. NEAL, F.R.I.C.S., F.A.I.**, 39 Station Road, Tel. EDG 0123/4.  
**Finchley**—**E. C. LLOYD**, 336 Regents Park Road, N.3. Tel. Finchley 6246/7.  
**Finchley and Barnet**—**SPARROW & SON**, Auctioneers, Surveyors and Valuers, 315 Ballards Lane, N.12. Est. 1874. Tel. HIL 5252/3.  
**Hammersmith**—**HORTON & WATERS**, 310 King Street. Valuations, Survey. Estates Managed. Tel. Riverside 1080 and 4567.

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements



## REGISTER OF Auctioneers, Valuers, Surveyors, Land and Estate Agents

**Harrow.**—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow, Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

**Harrow.**—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.

**Harrow.**—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., M.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road, Tel. 4288/90. Associated offices at Hillingdon. Established 1925.

**Hendon and Colindale.**—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6.

**Hendon.**—DOUGLAS MARTIN & PARTNERS, LTD.—Douglas Martin, F.A.L.P.A., F.V.A.; Bernard Rosch, F.A.L.P.A.; Jeffrey Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

**Hendon.**—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

**Ilford.**—RANDALLS, F.R.I.C.S., Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road, Tel. Valentine 6272 (10 lines).

**Leyton.**—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Lea Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424.

**Leyton and Leytonstone.**—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

**Leytonstone.**—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road, Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green, Tel. Buc 0464.

**Leytonstone.**—PETTY, SON & PRESTWICH, F.A.I., Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

**Mill Hill.**—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204.

**Norbury.**—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

**Putney.**—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

**South Norwood.**—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVINGSTONE 3737.

**Stammore.**—GLOVER of STAMMORE, F.V.I., The Broadway (and at Station), Grimsdyke 2241 (5 lines).

**Tottenham.**—HILLIER & HILLIER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOV 3464 (3 lines).

**Walthamstow and Chingford.**—EDWARD CULF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

**Wandsworth (Borough of), Battersea and S.W. Area.**—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANDyke 4166/4167.

**Wood Green.**—WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632.

### PROVINCIAL

#### BEDFORDSHIRE

**Bedford.**—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

**Bedford.**—ROBINSON & HALL, 15A St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3.

**Luton.**—RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street, Tel. Luton 6492/3.

#### BERKSHIRE

**Abingdon, Wantage and Didcot.**—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9. Wantage 48. Didcot 3197.

**Bracknell.**—HUNTON & SON, Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23.

**County of Berkshire.**—Mrs. N. C. TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill, Ascot (Ascot 1666), and Streasley (Goring 45).

**Didcot and District.**—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway, Tel. Didcot 2079.

**Faringdon.**—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

**Maidenhead.**—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 32 Queen Street. Tel. 62 and 577 (4 lines).

**Maidenhead, Windsor and Sunningdale.**—GIDDY & GIDDY, Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

**Newbury.**—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

**Newbury.**—DREWEATT, WATSON & BARTON, Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

**Newbury.**—C. G. FOWLE, F.R.I.C.S., F.A.I., Chartered Surveyor, 16 Bartholomew Street. Tel. 761 (2 lines).

**Newbury and Hungerford.**—A. W. NEATE & SONS, Est. 1876. Agricultural Valuers, Auctioneers, House and Estate Agents. Tel. Newbury 304 and 1620. Hungerford 8.

**Reading.**—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2.

**Windsor and Reading.**—BUCKLAND & Sons, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

#### BUCKINGHAMSHIRE

**Amersham and The Chalfonts.**—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

**Amersham, Chesham and Great Missenden.**—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

**Aylesbury.**—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 18 Market Square. Tel. 4661/3.

**Aylesbury.**—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

**Beaconsfield.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

**Farnham Common.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, The Broadway. Tel. 109.

**High Wycombe.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 30 High Street. Tel. 2576/7/8/9.

#### BUCKINGHAMSHIRE (continued)

**High Wycombe.**—HUNT & NASH, F.R.I.C.S., F.A.I., Chartered Surveyors, 15 Crenson Street. Tel. 884.

**High Wycombe and South Bucks.**—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

**North Bucks.**—DOUGLAS STRATFORD & CO., Est. 1890. Bleachery 2201/2. Bedford 66373. Luton 2953.

**Princes Risborough.**—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, High Street. Tel. 744/5.

**Slough.**—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

**Slough.**—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

**Slough.**—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents, Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

**Slough and Gerrards Cross.**—GIDDY & GIDDY, Tel. Nos. Slough 23379, Gerrards Cross 3967.

#### CAMBRIDGESHIRE

**Cambridge.**—HOCKEY & SON, (Est. 1885) Auctioneers and Surveyors, 8 Benet Street. Tel. 59455/6.

**Cambridge and County.**—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

#### CHESHIRE

**Altrincham.**—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

**Birkenhead.**—SMITH & SONS (Est. 1840), Auctioneers, Valuers. Tel. Birkenhead 1590. And at Liverpool.

**Birkenhead and Wirral.**—Pears, JAMES HARLAND, W. J. Harland, F.R.I.C.S., F.A.I., Chartered Surveyor, 46 Church Road, Birkenhead. Tel. 1597/8.

**Chester.**—BERESFORD, ADAMS & SON, (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

**Chester.**—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

**Chester.**—HARPER WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

**Chester.**—SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors, Valuers, 5 St. Werburgh Street. Tel. 20422.

**Congleton.**—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

**Congleton.**—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

**Crews.**—HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crews (Tel. 4301) & Branches.

**Macclesfield.**—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

**Nantwich, Northwich, Winsford and Tarporley.**—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

**Northwich.**—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

**Stockport.**—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

#### CORNWALL

**County of Cornwall.**—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents. Offices at Newquay, Truro, Falmouth and Wadebridge.

**County of Cornwall.**—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bideford. Tel. 346.

**Falmouth.**—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224.

**Mid-Cornwall.**—S. A. WILSON, F.V.I., St. Austell. Tel. 743 (day and night). Valuer, Business and Estate Agent.

**Penzance, St. Ives, West Cornwall and Isles of Scilly.**—W. H. LANE & SON, F.A.L.P.A., The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7.

(continued on p. xv)

#### CORNWALL (continued)

**Redruth.**—A. PEARSE JENKIN & PARTNERS, Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

**St. Austell and Looe.**—LAMPISHIRE & NANCOLLAS, Chartered Auctioneers and Estate Agents. St. Austell 3254/5. Looe 309.

**St. Austell, Lostwithiel and Liskeard.**—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 45 and 245. Liskeard 2400.

**Truro, Mid and West Cornwall.**—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I., 6 King Street. (Phone Truro 2503.)

#### DERBYSHIRE

**Derby.**—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 5645 (3 lines).

#### DEVONSHIRE

**Axminster.**—25-mile radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

**Axminster, East Devon, South Somerset and West Dorset Districts.**—R. C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

**Barnstaple and N. Devon.**—BRIGHTON GAY, F.A.L.P.A., Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

**Barnstaple and N. Devon.**—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

**Bideford and North Devon.**—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

**Bideford and North Devon.**—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

**Brixham and Torbay.**—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

**Devon and Exeter.**—GUY MICHELMORE & CO., Norwich Union House, Exeter. Tel. 76464/5.

**Devon, Exeter and S.W. Counties.**—RICKEARD, GREEN & MICHELMORE, Estate Agents, Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

**Exeter.**—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

**Iffracombe.**—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138.

**Okehampton, Mid Devon.**—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22.

**Paignton, Torbay and South Devon.**—TUCKERS, Auctioneers and Surveyors, Paignton. Tel. 59024.

**Plymouth.**—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

**Sidmouth.**—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14.

**Teignmouth, Shaldon, etc.**—ROBT. FROST & SON (Robt. Frost, F.A.I., Chartered Auctioneer and Estate Agent). Est. 1857. 5 Regent Street, Teignmouth. Tel. 671/2.

**Torquay and South Devon.**—WAYCOTTS, Chartered Auctioneers and Estate Agents, 5 Fleet Street, Torquay. Tel. 4333/5.

#### DORSETSHIRE

**Poole, Parkstone, Broadstone.**—RUMSEY & RUMSEY, Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and Channel Islands.

**West Dorset.**—ALLEN, TAYLOR & WHITFIELD, 25 East Street, Bridport. Tel. 2929.

#### DURHAM

**Darlington.**—JAMES PRATT & SONS, F.V.I., Auctioneers, Valuers and Estate Agents, 40a High Row. Tel. 4831.

**Darlington.**—SANDERSON, TOWNEND & GILBERT, Chartered Surveyors, 92 Bondgate.

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements



## REVIEWS

**The "British Tax Review" Guides No. 2: Common Market Fiscal Systems.** By E. B. NORTCLIFFE. pp. viii and (with Index) 90. 1960. London: Sweet & Maxwell, Ltd. £1 1s. net.

This book makes an opportune appearance at a time when many British companies and firms are planning to establish manufacturing units, assembly plants and distribution depots in one or other of the European Common Market countries. Before this can be done a study of the individual fiscal systems of these countries is essential, but, while unification of economic and financial policies in the member countries must eventually involve harmonisation of fiscal policy, with an amalgam of all that is best in the existing national systems, varied and often violently conflicting taxing techniques are currently employed. This makes a relative study of the different systems more difficult, but the author is to be congratulated on the plan of the book, which enables sub-divisions of the several taxing codes to be considered, in many cases, under common headings. This permits a particular aspect of, say, the somewhat untidy and relatively unproductive income tax system of Italy to be compared, fairly easily, with its counterpart in the simple and equitable system of Belgium or the highly developed and remarkably involved tax law of the Netherlands. The exposition is extremely neat and concise, and the work constitutes a valuable and comprehensive introduction to the tax laws of Italy, Belgium, Holland, France and Western Germany, with rates of tax and death duties and examples of tax payable by single and married persons. In the last chapter the author considers, under a number of different heads, whether the United Kingdom has anything to learn from the Continental systems, and it comes as no surprise to find that the incidence of direct taxation in this country is still severe by comparison with most European countries, especially at the higher levels of income.

The book incorporates and brings up to date a series of articles in the *British Tax Review* during 1959, the aim of which was to provide a broad outline of the background to harmonisation. It includes the changes introduced by the French tax reform of 28th December, 1959, which, in the field of income tax, bring France appreciably closer to Holland and Western Germany, and may be regarded as the first stage in the process of aligning the tax systems of the Common Market. Needless to say, the book is of value not only to business men and their advisers, but to all students of taxation.

**Money at Work.** A Survey of Investment. Second Edition. Edited by MILTON GRUNDY. pp. xi and 263. 1960. London: Sweet & Maxwell, Ltd. 18s. 6d. net.

The second edition of this fascinating book follows the lines of the first edition (which it brings up to date), except that the earlier chapter on the forming of small hire-purchase companies has been omitted, for the reason that it oversteps the frontier between investment and the carrying on of a business, and its place has been taken by a more *recherché* class of investment—"reversions, life interests and policies." As before, Mr. Milton Grundy, the editor, brings together in one volume the work of some twenty contributors, each an expert in his own particular field, showing the many different ways in which money can be put to work, sometimes for money's sake alone, and sometimes with the added joy of beholding and possessing things beautiful. The first part of the book is logically devoted to what is termed "orthodox investment," meaning stocks and shares, property, private companies, life assurance and pension schemes, building societies, mortgages, and the like, so that whether the investor sees inflation or disinflation ahead he is equally catered for; while the second part is devoted to valuables, such as pictures, furniture, silver, glass, Chinese works of art, wines, books and manuscripts, and stamp collecting. But that is not all; there is an absorbing chapter on "The Auction Room" by Mr. John Carter, of Sotheby's, and, since the tax factor is usually lurking not far away whenever the talk is of investment, Mr. Grundy himself (who is the author of "Tax Problems of the Family Company") contributes a lengthy introduction on tax planning.

The general purpose of the book is to survey all, or nearly all, the well-known fields of investment, so that the reader who is not yet committed, or is prepared to be committed in another direction also, may be able to make up his mind in a general way before

seeking further advice. As is inevitable in a book of this size, most of the chapters deal mainly with first principles, but not first principles alone. In each there is also given to the reader the distilled essence of the writer's expert experience, and in some chapters there is more than a hint as to the directions in which (at the present time) the most rewarding purchases are likely to be made, with, in the case of pictures, for example, the names of some artists of different periods whose works can still be obtained reasonably, or comparatively reasonably—if one is lucky. Here, then, is a book crammed with ideas for putting money to work profitably and pleasurably as well.

**Complete Valuation Practice.** Fifth Edition. By N. E. MUSTOE, Q.C., M.A., LL.B., H. BRIAN EVE, F.R.I.C.S., and BRYAN ANSTREY, B.Sc., F.R.I.C.S., F.A.I., F.I.A.S. pp. xxvii and (with Index) 493. 1960. London: The Estates Gazette, Ltd. £2 12s. 6d. net.

The first edition of this work was in 1938 and there have been considerable changes in valuation law and practice since then. The present edition differs most from the fourth edition of 1955 in the chapters on valuation for compulsory acquisition and valuation for rating, both of which have been largely rewritten, the former as a result of the Town and Country Planning Act, 1959, and the latter as a result of the quite considerable changes in rating procedure and practice which have taken place since the revaluation of 1956.

Although this book has been designed for the valuer it has been necessary to state the law and procedure, which in a book of its size has limited the space devoted to actual valuation. There is, however, an extraordinary diversity in the classes of valuation dealt with, as well as chapters on report writing, evidence and the legal position of valuers. The exposition of the law would seem accurate enough, though necessarily simplified. A large number of cases have been cited, though there are one or two notable omissions, e.g., *Horn v. Sunderland Corporation* [1941] 2 K.B. 26. It contains very useful appendices of rules and orders and there are up-to-date scales of professional charges included. A handy book which has the great attribute of being readable and understandable in subjects not noted for their clarity, it should be a practical assistance for lawyers involved in matters of valuation. Generally well produced, it contains one extraordinary lapse: the name of Wilkes appears on the spine of our copy, though the presence of this name is elsewhere unexplained and remains inexplicable.

**Land Ownership and Resources.** A course of lectures given at Cambridge in June, 1958, by Professor Sir SOLLY ZUCKERMAN, C.B., M.A., M.D., D.Sc., F.R.S., J. ENOCH POWELL, M.B.E., M.A., M.P., LORD PARKER OF WADDINGTON, P.C., Lord Chief Justice of England, C. H. J. MALIEPAARD, P.A.Stone, M.Sc., and D. R. DENMAN, M.A., M.Sc., Ph.D., F.R.I.C.S. pp. 136. 1960. The Department of Estate Management, University of Cambridge, and Cambridge University Estate Management Club. 15s. net.

This absorbing little book contains a course of six lectures by persons expert in their own spheres, including Lord Parker, the Lord Chief Justice, on Land Ownership and Resources. They are perhaps of particularly topical interest at this time of rising land prices and emphasis on redevelopment.

Basically the course is concerned with the recognition of the contrast between national planning policies and the individual's estate in land, and with the reconciliation of the two. Sometimes this reconciliation is effected by economic means where it is in the individual's interest so to manage his estate as to fall in with national policy, sometimes by compulsory restriction or acquisition by the State of the individual's rights. It is with the latter form of reconciliation that Lord Parker's lecture, entitled "The Report of the Franks Committee and the Rights of the Individual," is concerned. He examines how the clash between State and individual is to be resolved with justice and in particular draws attention to a few of the recommendations of the Committee which have yet to be implemented.

This book treats of such important principles relating to land ownership, principles moreover which it is very easy to lose sight of in the rush of everyday practice, that a little time spent reading it will be well worth while.

## NOTES OF CASES

*The Notes of Cases in this issue are published by arrangement with the Council of Law Reporting, and, in general, full reports will be found in the Weekly Law Reports. Where possible the appropriate page reference is given at the end of the note.*

## Court of Appeal

**FLOWER-SELLERS' REPEATED BREACHES OF  
STATUTE: PENALTIES INEFFECTIVE:  
WHETHER INJUNCTION PROPER REMEDY**

**A.-G. v. Harris**

Sellers, Pearce and Devlin, L.J.J. 18th July, 1960

Appeal from Salmon, J. ([1960] 1 Q.B. 31; 103 Sol. J. 658).

The defendants had since 1956 habitually sold flowers on Sundays from stalls, which they had erected on a footway near the entrance to Southern Cemetery, Manchester. They had been charged and convicted of two offences under the Manchester Police Regulation Act, 1844—erecting a stall on the footway, and by exposing flowers for sale on the footway obstructing the free passage thereof—on numerous occasions and fined varying sums over the years, but, notwithstanding their repeated convictions, the defendants continued their activities. The Attorney-General, suing on the relation of Manchester Corporation, claimed an injunction against the defendants, perpetually restraining them from placing or using any stall or other article upon any footway within Manchester, or from exposing for sale upon or near such footway any flower or other article so as to obstruct the passage thereof. Salmon, J., held that the acts of the defendants did not inconvenience or injure the public, and in the exercise of his discretion he refused to grant an injunction. The Attorney-General appealed.

SELLERS, L.J., said that the defendants carried on a business on Sundays of selling flowers outside a cemetery, which was profitable to themselves and of advantage to the public. It was not uncommon to find vendors of fruit and flowers outside cemeteries, hospitals and nursing homes, and they provided a facility and a reminder to those who wished to visit these places. The difficulty in which the defendants were was that they were breaking the law—and breaking it deliberately and persistently. It was urged that since the subject-matter of the complaint was trivial, and no inconvenience had been shown to the public, the judge was right in the view which he had taken. But it could not be anything other than a public detriment for the law to be defied, week by week, and the offender to find it profitable to pay the fine and continue to flout the law, and it was desirable to stop deliberate violations of the law. Persistent and deliberate breaches of statutory obligations were in themselves grave injuries to the public, which the courts should prevent by the grant of injunctions. In this respect, the judge's view that the Attorney-General was in no better position than the ordinary litigant could not be accepted; for the Attorney-General represented the public interest and the interests of the community at large in seeing that Acts of Parliament were observed. If the Attorney-General intervened to ask for relief, the court, whilst retaining a discretion, should normally pay great heed to his intervention and only refuse relief in the most exceptional circumstances. The judge had said the circumstances in the present case were exceptional, but that view ignored the effect of the defendants' illegal conduct on the administration of and respect for the law. His lordship would allow the appeal.

PEARCE, L.J., delivered a concurring judgment.

DEVLIN, L.J., agreed that the appeal should be allowed. Appeal allowed. Leave to appeal to the House of Lords.

APPEARANCES: *Fenton Atkinson, Q.C.*, and *J. M. Lever* (*Sharpe, Pritchard & Co.*, for *Philip B. Dingle*, Town Clerk, Manchester); *Rose Heilbron, Q.C.*, and *Ivor R. Taylor* (*Edward F. Iwi*, for *Julian S. Goldstone & Co.*, Manchester).

[Reported by NORMAN PRIMOST, Esq., Barrister-at-Law] [3 W.L.R. 832]

**CONTRACT: MISTAKE AS TO IDENTITY OF  
PURCHASER: WHETHER VOID OR VOIDABLE**

**Ingram and Others v. Little**

Sellers, Pearce and Devlin, L.J.J.

28th July, 1960

Appeal from Slade, J.

The plaintiffs were the joint owners of a Renault motor car, and they advertised it for sale. A rogue, who said his name was Hutchinson, offered to buy it, but when he took out his cheque book to pay for the car, the first plaintiff, who was conducting the negotiations on behalf of the plaintiffs, told him that she would not in any circumstances accept a cheque, and that she was only willing to sell the car for cash. She told him that so far as she was concerned the proposed deal was finished; she had expected cash; and she made as though to walk out of the room. The rogue then tried to convince her that he was a most reputable person. He said that he was P. G. M. Hutchinson, that he was a well-known business man having business interests in Guildford, and that he lived at Stanstead House, Stanstead Road, Caterham. The second plaintiff slipped out of the room, went to the local post office, and ascertained from the telephone directory that there was a P. G. M. Hutchinson living at the address given by the rogue. As a result of that information, the plaintiffs decided to let the rogue have the car in exchange for his cheque. The rogue had nothing whatever to do with the real P. G. M. Hutchinson, and the cheque given to the plaintiffs was dishonoured on presentation, but meanwhile the rogue had sold the car to the defendant and had disappeared. In an action by the plaintiffs against the defendant for the return of the car or damages for its conversion, Slade, J., held that there was no contract between the plaintiffs and the rogue, and he awarded the plaintiffs £720 damages for conversion of the car. The defendant appealed.

SELLERS, L.J., said that if there was a contract between the plaintiffs and the rogue, even though voidable because of his fraud, the defendant had obtained a good title to the car. If there was no contract, the plaintiffs' claim must succeed. Where two parties negotiated together face to face, the normal conclusion was that they were contracting parties, but the presence of a person could not be conclusive that a contract was made with him. If he were so disguised as to represent someone else, and the other party, deceived by the disguise, dealt with him on the basis that he was that person, there would be no contract. If words were substituted for the outward disguise, it was a question of fact in each case with whom the contract was made. The test to be applied was how might the promisee have interpreted the promise. There was a difference between a case where A made an offer to B in the belief that he was someone else, and the case where A made an offer to B in the belief that he was X. In the first case, B received an offer, although A did not realise he was making the offer to B; in the second case there was no offer to B; the offer was only meant for X and only X could accept it. So, in the present case, the only offer made by the plaintiffs was to the real Hutchinson, the rogue could not accept it, and there was no contract between the plaintiffs and the rogue. His lordship would dismiss the appeal.

PEARCE, L.J., delivered a concurring judgment.

DEVLIN, L.J., dissenting, said that he would have allowed the appeal. There were two questions: was there offer and acceptance in form, and was there a mistake vitiating an apparent contract? The law presumed that a party intended to contract with the person physically present, and that



## REGISTER OF

# Auctioneers, Valuers, Surveyors, Land and Estate Agents

### EAST ANGLIA

Norfolk-Suffolk.—THOS. WM. GAZE & SON, Crown Street, Diss. (290/291). Est. a Century. Chartered Auctioneers, Agricultural, Property and Chattel Valuers.

### ESSEX

Bonfield, Hadleigh and South-East Essex.—Messrs. JOHN S. LLOYD, F.A.I., Chartered Auctioneers and Estate Agents, Estate House, Hadleigh, Essex. Tel. 58523.  
Brentwood and Mid-Essex.—HOWARD'S & CO. (BRENTWOOD), LTD., Surveyors, Valuers and Estate Agents, 143 High Street, Brentwood. Tel. Brentwood 4339.

Chelmsford, Billericay and Braintree.—FRED TAYLOR & CO., Chartered Auctioneers and Estate Agents, 17 Duke Street. Tel. 55561/2/3, Billericay Tel. 112 and Braintree Tel. 1564.

Chelmsford and Wickford.—R. COOPER HIRST, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 12 Duke Street, Chelmsford (Tel. 4534) and Market Road, Wickford (Tel. 3059).

Chelmsford and Witham.—BALCH & BALCH, Chartered Surveyors, Auctioneers and Valuers, 3 Tindal Square, Chelmsford. Tel. 51551; and Witham Tel. 3381.

Clacton-on-Sea.—DONALD COTTAGE, EAVES & CO., (Chas. V. Eaves, F.A.I., F.A.L.P.A.), 67/69 Station Road, Clacton-on-Sea. Tel. 857/8. And at Holland-on-Sea. Tel. 3270.

Colchester and District.—C. M. STANFORD & SON (Partners and Senior Personnel fully qualified members of Professional Institutes), 23 High Street, Colchester. Tel. 3165 (4 lines).

Hornchurch.—HAYWARD & CO., Surveyors, Valuers and Estate Agents, 163 High Street. Tel. 46635/6.

Ifford.—S. A. HULL & CO., F.A.I., Chartered Auctioneers and Estate Agents, 16 Clements Road. Tel. Ifford 4366/7, and at 404 Cranbrook Road, Gants Hill. Tel. Valentine 9525.

Leigh-on-Sea.—GORDON LANE & BUTLER, Auctioneers and Surveyors, 125 Rectory Grove. Tel. 78340.

Leigh-on-Sea.—HAIR (FREDK. G.) & SON, Auctioneers and Surveyors, 1528 London Road. Tel. 78666/7.

Leigh-on-Sea, Rayleigh and Country Districts.—HAROLD W. FINCHBECK, Chartered Surveyor and Valuer (Pinchbeck, Chapman & Co.), 80 Rectory Grove, Leigh-on-Sea (75002) and High Street, Rayleigh. Tel. 24.

Malden.—CLAUDE C. COWELL, F.A.L.P.A., F.V.I., 9 London Road. Tel. 88.

Romford and District.—R. CHEKE & CO., 18 North Street, Hornchurch, Essex. Hornchurch 0688 and branches.

Romford, Upminster and District.—HILBERY CHARLIN & CO., Chartered Auctioneers, Estate Agents and Surveyors, 135 South Street, Romford (Tel. Romford 45004) and 42 Station Road, Upminster (Tel. Upminster 2866).

Southend-on-Sea and S.E. Essex.—TAYLOR, SON & DAVIS, Auctioneers and Surveyors, 37 Victoria Avenue, Tel. Southend 41201 (3 lines). And at Westcliff-on-Sea and Leigh-on-Sea.

Southend, Westcliff and Country Districts.—H. V. & G. SORRELL, Chartered Surveyors, Auctioneers and Estate Agents, 40 Clarence Street, Southend. Tel. Southend 4225. And at High Street, Rayleigh.

Southend, Westcliff and South East Essex.—TALBOT & WHITE, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, Established 1885, 34 Clarence Street, Southend-on-Sea. Tel. Southend 48137/8, and 29 and 31 Hamlet Court Road, Westcliff-on-Sea. Tel. Southend 47821/2.

Westcliff, Southend-on-Sea and District.—ASHTON AGAR & CO., Chartered Auctioneers and Estate Agents, 589 London Road, Westcliff-on-Sea. Tel. Southend 42624.

Woodford.—MARK LIELL & SON, Chartered Surveyors, 9 High Road, Woodford Green. Tel. Buckhurst 0181. and East Ham.

### GLOUCESTERSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3594, 4268 and 61360.

Bristol.—C. J. HOLE & SONS (Est. 1867), 70 Park Row, Bristol, 1. Auctioneers, etc. Tel. 24324 (4 lines).

Bristol.—LALONDE, BROS & PARHAM (Est. 1848), 64 Queens Road. Tel. 27731 (8 lines). And at Weston-super-Mare.

Bristol.—JOHN E. PRITCHARD & CO. (Est. 1790), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 92 Queens Road, Bristol, 8. Tel. 24334 (3 lines).

Bristol, Somerset and Gloucester.—ALDER, STANLEY & PRICE (Established 1911), Valuation Consultants, 7 St. Stephen's Street, Bristol, 1. Tel. 20301. A. Oliver Perkins, F.R.I.C.S., F.A.I., P.P.I.S.A.L.P.A., R. B. Kinslingbury, F.R.I.C.S., F.A.I., A. E. Sutor, F.A.L.P.A., W. H. Hapley, A.R.I.C.S., A.R.V.A., F.A.L.P.A., Auction and Estate Offices, 94E Whiteladies Road, Clifton and Redfield.

Bristol and the West of England.—J. P. STURGE & SONS (Established 1740), Surveyors, Land Agents and Auctioneers, 24 Barkely Square, Bristol, 8. Telephone: 26691 (5 lines).

Cheltenham.—G. H. BAYLEY & SONS, Chartered Auctioneers and Estate Agents, Valuers, 27 Promenade. Tel. 2102.

### GLOUCESTERSHIRE (continued)

Cheltenham.—VIRGIN & RICHARDS, LTD., F.V.I. Incorporated Valuers and Estate Agents, 3 Clarence Parade. Tel. 56351.

Cheltenham.—YOUNG & GILLING (J. T. Wallford, A.R.I.C.S., A. W. Allard, F.A.L.P.A.), Auctioneers, Surveyors and Valuers. Established over a century, 3 Crescent Terrace, Cheltenham. Tels. 2129 and 2433.

Cirencester.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Cirencester 62/63.

Gloucester.—SANDOE & SONS, Chartered Auctioneers and Estate Agents, Valuers, 4/5 Market Parade.

### HAMPSHIRE

Aldershot, Farnborough, Fleet, Hartley Wintney, Alresford and Winchester.—ALFRED PEARSON & SON (established 1900), Surveyors, Valuers, Auctioneers and Estate Agents:

136 Victoria Road, Aldershot (Tel. Aldershot 17); Clock House, Farnborough (Tel. Farnbor. 1—2 lines); Fleet Road, Fleet (Tel. Fleet 1066—3 lines); High St., Hartley Wintney (Tel. Hartley Wintney 233); 25 West Street, Alresford (Tel. Alresford 274); Walcott Chambers, High Street, Winchester (Tel. Winchester 3383—2 lines).

Aldershot and Survey and Hants Borders.—KINGHAM & KINGHAM, Auctioneers, Estate Agents, Surveyors and Valuers, Bank House, Grosvenor Road, Aldershot. Tel. 653 (2 lines).

Alresford.—CUBITT & WEST. Tel. 335. Valuers, Surveyors, Estate Agents.

Alton.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, Ackender House. Tel. 2401/2. And at Farnham, Surrey, and Basingstoke.

Andover.—F. ELLEN & SON, Land Agents, Auctioneers, Valuers and Surveyors, London Street. Tel. 3444 (2 lines). Established 1845.

Basingstoke.—BATESON & NICHOLAS, Auctioneers, Estate Agents, Surveyors and Valuers, 2 Queens Parade (next G.P.O.), New Street. Tel. 566.

Basingstoke.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 36 Winchester Street. Tel. 2255/6. And at Farnham, Surrey and Alton.

Basingstoke.—SIMMONS & SONS, Surveyors, Valuers, Estate Agents and Auctioneers. Tel. 199.

Bournemouth.—FOX & SONS, Surveyors, Valuers and Auctioneers, 44/52 Old Christchurch Road. Tel. Bournemouth 6300 (10 lines). Branch Office in all Bournemouth districts and at Parkstone, Ringwood, New Milton, Southampton, Brighton and Worthing.

Bournemouth.—RUMSEY & RUMSEY. Head Office 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and the Channel Islands.

Fleet.—H. J. POULTER & SON, Estate Agents, Surveyors and Valuers. Central Estate Offices. Tel. 86.

Goosport.—LAWSON & CO., F.V.I., Estate Agents, Valuers, etc. 9 Brockhurst Road. Tel. 83303 (2 lines).

Goosport.—L. S. VAIL, F.R.I.C.S., Chartered Surveyor, 79 High Street. Tel. 8732.

Havant, Gosham, Portsmouth, Hayling Island.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, 5 West Street, Havant. (Tel. 124/5. 82 High Street, Gosham. (Tel. 7427/8.) Elm Grove, Hayling Island. (Tel. 77131 and 77148.)

Lymington and Milford-on-Sea.—JACKMAN AND MASTERS (Est. 1886). Auctioneers, Valuers, etc. Tel. Lymington 3292/3.

Lymington and New Forest.—HEWITT & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. High Street. Tel. Lymington 2323/4.

New Milton and Barton-on-Sea.—HEWITT & CO., F.A.I. New Milton. Tel. 43.

Petersfield.—CUBITT & WEST. Tel. 213. Valuers, Surveyors, Estate Agents.

Portsmouth.—P. G. LUDLOW, Angerstein Road, North End. Tel. 61441/2.

Southampton.—PRING & CO., F.A.I., 40 The Avenue. Tel. 22171/2.

Southampton and New Forest.—DRIVERS, JONAS & CO. (Est. 1725), incorporating Waller & King, Chartered Surveyors, Land Agents, Auctioneers and Estate Agents, 17 Cumberland Place, Southampton. Tel. Southampton 24545.

Winchester.—SAVAGE & WELLER, Surveyors, Auctioneers, Valuers and Estate Agents, 25 St. Thomas Street, Winchester. Tel. Winchester 2531.

### HEREFORDSHIRE

Hereford.—GREENLANDS, LTD., Auctioneers, Estate Agents, Valuers. Church Street. Tel. 2366 (4 lines).

### HERTFORDSHIRE

AH W. Herts, S. Bucks.—(Messrs.) J. GIBSON CRACKNELL, Surveyors and Valuers. Est. 1897, 59 Whippendell Road, Watford. Tel. 29205.

Berkhamstead and Hemel Hempstead.—R. J. AITCHISON, F.A.I., M.R.S.N.I.

Chesham, Cuffley, Waltham Cross and District.—ROBERT TIDEY & SON, Waltham Cross. Tel. 22964.

(continued on p. xvi)

### HERTFORDSHIRE (continued)

Hertford.—NORRIS & DUVALL, F.R.I.C.S., F.A.I., 106 Fore Street. Tel. 2249.

Hitchin.—J. R. EYE & SON, 5 Bancroft, Surveyors, Land Agents, Auctioneers and Valuers. Tel. 2168.

N. Herts. and S. Beds.—W. & H. PEACOCK, Chartered Surveyors, 8 High Street, Baldock, Herts. Tel. 2185.

Rickmansworth, Chorleywood.—SWANNELL & SLY, 53 High Street, Rickmansworth. Tel. 3141. Valuers Auctioneers, etc.

Tring, Hemel Hempstead and Berkhamstead.—W. BROWN & CO., in general practice. Est. 1832.

### ISLE OF WIGHT

Bembridge, Cowes, Freshwater, Newport, Ryde, Sandown, Shanklin, Seaview, Ventnor and Yarmouth.—SIR FRANCIS PITTIS & SON, Chartered Surveyors and Chartered Auctioneers.

Cowes, Newport and all Districts.—A. E. & S. C. WADHAM, F.A.L.P.A. (Est. 1860), Cowes. Tel. 1141 (2 lines).

Newport, Ryde, Freshwater, Sandown, Bembridge.—WAY, RIDDETT & CO.

### KENT

Ashford.—GEERING & COLYER, Auctioneers, Surveyors and Estate Agents, Bank Chambers, Ashford, and at Hawkhurst and Tunbridge Wells, Kent; Ryde, Wadhurst and Heathfield, Sussex.

Ashford, Sandwich and East Kent.—JOHN HOGGIN & SON, Auctioneers, Surveyors, Valuers, Land and Estate Agents. Tel. Ashford 449; Sandwich 3163.

Beckenham.—CHRISTOPHER B. CURTIS, M.B.E., Surveyor and Valuer, 257a Croydon Road. Tel. BECKENHAM 1000.

Beckenham.—JOLLY & WOOD, 4 The Broadway, Croydon Road. Tel. Beckenham 1430.

Bexleyheath.—ARTHUR KENT & CO., LTD., Surveyors Valuers and Estate Agents. 124/6 Broadway. Tel. 1244/5.

Bromley.—WATERER & DICKINS, Chartered Surveyors, Chartered Auctioneers & Estate Agents, RAVERS, 133 High Street, Bromley, Kent. Telephone RAVERS-bourne 0147/8.

Canterbury.—F. R. W. BERRY, Auctioneer and Estate Agent, 37 St. Margaret's Street. Tel. Canterbury 5268/9.

Canterbury.—FARQUHARSON & MILLARD, F.R.I.C.S., F.A.I., 80 Castle Street, Canterbury. Tel. 4861/2.

East Kent.—WORSFOLD & HAYWARD, offices at 3 Market Square, Dover; 11 Queen Street, Deal; 4 St. Margaret's Street, Canterbury; and 12 Preston Street, Faversham. Established 1835.

Folkestone.—GEO. MILNE & CO., Auctioneers and Valuers, 107 Sandgate Road. Tel. 3619.

Folkestone.—TEMPLE, BARTON, LTD., F.A.L.P.A., 69 Sandgate Road. Tel. 2258/9.

Folkestone and District.—BANKS & SON (P. R. Bean, F.R.I.C.S., F.A.I.), Chartered Surveyors, Chartered Auctioneers, etc., 6 Bouverie Square, Folkestone. Tel. 4509/3559.

Folkestone and District.—SMITH-WOOLLEY & CO. Chartered Surveyors, Chartered Land Agents, Valuers Estate Agents, Manor Office. Tel. 51201/2.

Gravesend and Dartford.—PORTER, PUTT AND FLETCHER, F.A.I., incorporating DANN & LUCAS, Tel. Gravesend 388 and Dartford 3226.

Gravesend and District.—WINNETT, Auctioneers, Estate Agents and Valuers, 155 Milton Road. Tel. Grav. 2229.

Herne Bay.—E. IGGULDEN & SONS (B. Smith, A.R.I.C.S., A.A.I., L. Pilcher), Surveyors, Valuers and Auctioneers, 128 High Street. Tel. 619/620.

Hythe, Saltwood, Romney Marsh and District.—F. W. BUTLER, 86 High Street, Hythe. Tel. 64608.

Maidstone.—H. COUCHMAN & SON, Chartered Surveyors, Chartered Auctioneers and Estate Agents, 42 King Street. Tels. 2558 and 2591.

Maidstone and Mid-Kent.—EVENS & MATTA, A.A.I., M.R.S.H., 70 King Street, Maidstone. Tel. 31283.

Margate.—CLARKE & CRITTENDEN, F.A.L.P.A., Auctioneers and Valuers. Offices: Cliftonville and Westbrook.

Orpington, Petts Wood and West Kent.—MULLOCK, (A. F.) & GOWER (A. F. Mullock, J.P., F.A.L.P.A., C. M. Gower, F.A.I.), 161 High Street. Tel. Orp. 25481/2. And Station Square, Petts Wood. Tel. Orp. 23444.

Ramsgate.—LESLIE HOGGIN, F.R.I.C.S., Chartered Surveyor, Auctioneer, Valuer and Estate Agent, 30 Queen Street. Tel. Thanet 5322/3.

Ramsgate and District.—HOLNESS & OVENDEN, F.A.I., Chartered Auctioneers and Estate Agents, Valuers and Surveyors, Estate House, 73 High Street, Ramsgate. Tel. Thanet 52206/7. Established 1838.

Sandwich and East Kent.—G. C. SOLLEY & CO., Offices: 50 King Street, Sandwich. Tel. 2227.

Sevenoaks.—KEMP & THOMAS, F.A.L.P.A., Estate Agents and Valuers, 11a London Road (Tel. 2916).

Tenterden and the Weald of Kent.—HATCH AND WATERMAN, F.A.I. (Est. 1830), Chartered Auctioneers and Estate Agents. Tenterden. Tel. 33.



## REGISTER OF

**Auctioneers, Valuers, Surveyors, Land and Estate Agents****KENT (continued)**

**Tonbridge and District.**—NEVE & SON, F.A.I., 146 High Street, Tonbridge. Tel. 3223.  
**Tunbridge Wells.**—DILNOTT STOKES, Chartered Surveyors and Auctioneers, 17 Mount Pleasant. Tel. 3000/1.  
**Welling.**—WM. PORTER & CO., LTD., 28 Falconwood Parade, The Green. Tel. Boxleyheath 2977.  
**Westgate-on-Sea.**—BENEFIELD & CORNFORD, Town Hall Buildings, Thanet 31010.

**LANCASHIRE**

**Barrow-in-Furness.**—CHARLES G. LOWDEN, F.R.I.C.S., F.A.I., 18/24 Cornwallis Street, Chartered Surveyor, Chartered Auctioneer, Estate Agent and Valuer. Tel. Barrow 364.  
**Blackpool and District.**—AIREYS', Chartered Auctioneers and Estate Agents, Valuers and Surveyors, 18 Dickson Road, Blackpool. Tel. 22225/6.  
**Blackpool and Fylde Coast.**—J. ENTWISTLE & CO., Auctioneers, Valuers and Estate Agents, Station Chambers, 2 Dickson Road, Blackpool. Tel. 20093/4.  
**Grange-over-Sands.**—MICHAEL C. L. HODGSON, Auctioneers and Valuers. Tel. 2253.  
**Liverpool.**—BOULT, SON & MAPLES, 5 Cook Street. Tel. Central 9941 (7 lines). And at West Kirby.  
**Liverpool.**—SMITH & SONS (Est. 1840), Valuers, etc., 6 North John Street, Central 9386. And at Birkenhead.  
**Liverpool and District.**—H. H. & J. ROBINSON, Auctioneers, Estate Agents and Valuers, 42 Castle Street, Liverpool. 2. Tel. Central 6727. And at 117 South Road, Liverpool, 22.  
**Liverpool and District.**—JOS. RIMMER & SON, 48 Castle Street, Liverpool, 2. Tel. Central 3068. Chartered Surveyors, Chartered Auctioneers and Estate Agents.  
**Liverpool and Wirral.**—T. MARTIN BROWN, F.A.I., Valuer & Estate Agent, Coopers Buildings, Church Street, Liverpool, 1. Tel. Royal 3373/4 and 3 Garston Old Road, Liverpool, 19. Tel. Garston 358.  
**Manchester.**—ALFRED H. GARDNER & SON, F.A.I., Chartered Auctioneers and Estate Agents, 56 Mosley Street. Tel. Central 8985/6. And at Cheshire Hulme.  
**Manchester.**—CLAYTON, SON & CROWTHER, Auctioneers, Valuers and Estate Agents, 76 Mosley Street, Manchester, 2. Tel. Can. 4943/4.  
**Manchester.**—STUART MURRAY & CO., Auctioneers, etc., 64a Bridge Street. Tel. Blackfriars 5747. And at Altrincham.  
**Manchester and Oldham.**—LESLIE D. CLEGG MORGAN & CO., Chartered Surveyors, Specialists in Town Planning, Rating and Compensation, Prudential Buildings, Union Street, Oldham. Tel. Main (Oldham) 6401/3. And at 65 Princess Street, Manchester, 2. Tel. Central 7755.  
**Preston.**—E. J. NEED & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 47 Fishergate. Tel. 3249.  
**Rochdale.**—ROSSALL, DALBY & PARKER, Auctioneers and Valuers, 5 Blackwater Street. Tel. 3677.  
**Rochdale and District.**—R. BIRTWELL & SON, Chartered Auctioneers and Estate Agents, Valuers, 5 Bailie Street. Tel. 2826.  
**Rochdale and District.**—SHEPHERD LUMB & CO., Auctioneers, etc. The Public Hall, Bailie Street. Tel. 3826.

**LEICESTERSHIRE**

**Leicester.**—DONALD BOYER, F.A.I., Chartered Auctioneer & Estate Agent, Valuer-Mortgage, Probate Insurance, Northampton Street. Tel. 21564 (and Rugby).  
**Leicester and County.**—RANDLE & ASPELL (F. E. J. Randle, F.V.I., C. G. Hale, F.A.I., A.A.L.P.A., G. H. Aspell, A.R.I.C.S., F.A.I., M.R.San.I.), 74 Halford Street. Tel. 5137/8.  
**Market Harborough.**—HOLLOWAY, PRICE & CO., Est. 1809. Chartered Surveyors, Chartered Auctioneers. Tel. 2411.

**LINCOLNSHIRE**

**Grantham and District.**—BAILEY & AMBLER, Chartered Auctioneers and Estate Agents, Westminster Bank Chambers, Grantham, Lincs. Tel. 418 (2 lines).  
**Scunthorpe and District.**—SPILMAN, GLASIER AND LONSDALE, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 72 Mary Street, Scunthorpe. Tel. 3803. Est. over 75 years.  
**Spalding.**—S. & G. KINGSTON, F.A.I., Auctioneers, etc., Hall Place Chambers. Tel. 2011.

**MIDDLESEX**

**Edgware.**—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG. 0123/4.  
**Enfield and North London.**—CAMPHAM & DICKINS, Surveyors, Valuers, etc., 28 Little Park Gardens, Enfield. Tel. 1224/5.  
**Harrow.**—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.  
**Harrow.**—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.  
**Harrow.**—P. N. DEWE & CO. See "London Suburbs" Section. Established 1925.

**MIDDLESEX (continued)**

**Harrow.**—WARNER & CO. (T. A. Warner, F.A.L.P.A.), Surveys, Valuations, etc., Specialists in Urban Estate Management, 51 Station Road, North Harrow. Tel. Harrow 9636/7/8.  
**Harrow.**—G. J. HERSEY AND PARTNER, Chartered Auctioneers and Surveyors, Rating and Factory Valuers, 44 College Road, Harrow, Middlesex. Tel. HARROW 7484; 368 Bank Chambers, 329 High Holborn, W.C.1.  
**Harrow.**—Messrs. JOHN SEARCY (J. H. Searcy, M.Inst.R.E., F.A.I., Chartered Auctioneer and Estate Agent; J. Gray, F.A.L.P.A., Incorporated Auctioneer and Estate Agent), 21 College Road, Harrow. Tel. Harrow 9323/4. Adjoining Harrow-on-the-Hill Metro Station.  
**Harrow and District.**—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 202 Northolt Road, S. Harrow. (Tel. Byron 1023 (5 lines)), and 15 College Road, Harrow (Tel. Harrow 5178 (3 lines)). Also at Ruislip and Pinner.  
**Hayes.**—KEVIN & FIELD, LTD. (Lister S. Camps, F.F.S., F.V.I., M.R.San.I.), Grange Chambers, Uxbridge Road. Tel. Hayes 3691/2.  
**Hounslow.**—ROPER, SON & CHAPMAN, Auctioneers, Surveyors, etc., 162 High Street. Tel. HOU 1184.  
**Moor Park and Northwood.**—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, MOOR PARK ESTATE OFFICE, Moor Park Station, Northwood. Tel. Northwood (NH2) 4131. And at Harrow, North Harrow and Sudbury, Wembley.  
**Northwood.**—GILBERT LUCK, F.A.L.P.A., Surveyors and Valuers, 58 Green Lane, Northwood. Tel. 2352/3/4, and 111 Pinner Road, Northwood Hills.  
**Northwood and Pinner.**—MANDLEY & SPARROW, Auctioneers, Valuers, etc., 25 Maxwell Road, Northwood. Tel. 3295/6. And branches in Hertfordshire.  
**Northwood and Pinner.**—SWANNELL & SLY, 3 Maxwell Road, Northwood. Tel. 19. Valuers, Auctioneers, etc.  
**Pinner and District.**—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 2 High Street, Pinner. PINN 7727 and 7800. Also at South Harrow, Harrow and Ruislip.  
**Pinner (Hatch End).**—BRODIE, MARSHALL & CO., Auctioneers, Valuers and Estate Agents, 339 Uxbridge Road, Hatch End. Telephone Hatch End 2238 and 2239.  
**Ruislip and District.**—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 108 High Street, Ruislip. Tel. Ruislip 2215 and 4583. Also at South Harrow, Harrow and Pinner.  
**Ruislip, Ickenham and District.**—JOHN MEACOCK AND CO., 123/125 High Street, Ruislip. Tel. Ruislip 3072/3/4. And opposite the Church, Ickenham. Tel. Ruislip 5526 and 9824.  
**Southall and Greenford.**—AUSTIN FARR & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 11 South Road, Southall. SOU 6555 (4 lines). 45 The Broadway, Greenford. WAX 4642/4438.  
**Stammore.**—SYDNEY WARD, LTD. (W. C. Wedgewood, F.V.I.), 41 Church Road, Stammore. Tel. GRimsdyke 120.  
**Wembley Park.**—LOYDS (Principal D. J. Westmore, F.R.I.C.S., M.R.San.I.), Chartered Surveyors, Auctioneers and Valuers, 13 Bridge Road, Tel. Arnold 1123/4.  
**West Drayton and Uxbridge.**—R. WHITLEY & CO., Chartered Auctioneers and Estate Agents, 40 Station Road. Tel. W. Drayton 2185.

**NORFOLK**

**Cromer.**—R. I. WORTLEY, F.R.I.C.S., Chartered Surveyor, etc., 15 Church Street. Tel. Cromer 2069.  
**Norwich.**—ALDRIDGE & PARTNERS, 22 Surrey Street, Surveyors and Estate Agents. Tel. Norwich 28517/8.  
**Norwich.**—CLOWES, NASH & THURGOOD, Est. 1840 (H. M. Thurgood, F.A.I., R. F. Hill, F.A.L.P.A., C. M. Thurgood, A.A.I.), 6 Tombland. Tel. 27261/2.  
**Norwich.**—J. E. TAYLOR, Auctioneer and Estate Agent, 25 Tombland. Tel. 26638.  
**Norwich and East Anglia.**—K. H. FIELDING & SON (J. L. Fielding, F.R.I.C.S., F.A.I.), Chartered Surveyors, etc., 1 Upper King Street, Norwich. Tel. 22980.  
**West Norfolk.**—CRUSO & WILKIN, Chartered Auctioneers and Estate Agents, 27 Tueday Market Place, King's Lynn. Tel. King's Lynn 3111/2.

**NORTHAMPTONSHIRE**

**Northampton and Daventry.**—MERRY, SONS & CO., LTD., Auctioneers, Valuers and Estate Agents, 9 Fish Street, Northampton. Tel. 136. 33 Sheaf Street, Daventry. Tel. 236.  
**Northampton and District.**—WOODS & CO., F.A.I., Chartered Auctioneers and Estate Agents, Valuers, 18 Castilian Street, Northampton. Tel. 3300/1. Established 85 years.  
**Peterborough and District.**—DAKING & DAKING, Est. 1887. Auctioneers, Valuers, Surveyors and Estate Agents, Broadway, Peterborough. Tel. 5245/6.  
**Peterborough and District.**—FOX & VERGETTE, Auctioneers, Valuers, Surveyors and Estate Agents, 16 Priestgate. Tel. 4261/2. Est. over 150 years.  
**Peterborough and Adjoining Counties.**—NORMAN WRIGHT & PARTNERS, Surveyors, 26 Priestgate, Peterborough. Tel. 5695/6.

(continued on p. xvii)

**NORTHUMBERLAND**

**Newcastle upon Tyne, covering the North.**—HINDMARSH, HEPPELL & BOURN (Est. 1862), Chartered Auctioneers and Estate Agents, Surveyors, 61 Westgate Road, Newcastle upon Tyne. And at Wallsend-on-Tyne.

**NORTHUMBERLAND AND DURHAM**

**Hindmarsh & Partners.** Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 49 Park View, Whitley Bay (Tel. 2351/2), 107 Northumberland St., Newcastle (Tel. 610081 (4 lines)). And at Gateshead and Alnwick.  
**Newcastle.**—DAVID A. LARMOUR & SON, F.R.I.C.S., F.A.I., Saville Row. Tel. Newcastle 20727/8.  
**Wallshead Gray & Coates.** Chartered Auctioneers, and Estate Agents, Surveyors and Valuers, 84 Pilgrim Street, Newcastle. (Tel. 27471/2.) 75 West Street, Gateshead. (Tel. 72197.) 7 Priestpope, Hexham. (Tel. 302.) 26 Frederick Street, Sunderland. (Tel. 2544.)

**NOTTINGHAMSHIRE**

**Newark.**—EDWARD BAILEY & SON, F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 7 Kirkgate, Newark. Tel. 39.  
**Nottingham.**—ROBERT CLARKE & CO., Chartered Surveyors and Rating Valuers, Oxford Street. Tel. 42534/5.  
**Nottingham.**—WALKER, WALTON & HANSON, Chartered Surveyors and Valuers, Chartered Auctioneers and Estate Agents, Byard Lane. Est. 1841. Tel. Nottingham 54272 (7 lines).  
**Retford.**—HENRY SPENCER & SONS, Auctioneers, 20 The Square, Retford, Notts. Tel. 531/2. And at 4 Paradise Street, Sheffield. Tel. 25206. And 91 Bridge Street, Worksop. Tel. 2654.

**OXFORDSHIRE**

**Bicester, Thame and Oxford.**—E. P. MESSENGER & SON, Chartered Surveyors, Auctioneers, Valuers, etc. Thame 263/4; Bicester 10; and Oxford 47281.  
**Oxford and District.**—BUCKELL & BALLARD, Est. 1887. R. B. Ballard, F.A.L.P.A., H. I. F. Ryan, F.R.I.C.S., F.A.I., H. S. Ballard, A.R.I.C.S., F.A.I., 58 Cornmarket Street, Oxford. Tel. 44151, and at Wallingford, Berks. Tel. 3205.  
**Oxford, Banbury and surrounding districts.**—E. J. BROOKS & SON, F.A.I. (Established 1840), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, "Gloucester House," Beaumont Street, Oxford. (Tel. 4535/6), and 54 Broad Street, Banbury (Tel. 2670).  
**Thame and District.**—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 60 North Street. Tel. 288.

**SHROPSHIRE**

**Craven Arms.**—JACKSON & MCCARTNEY, Chartered Auctioneers, Valuers and Estate Agents. Tel. 2185.  
**Shrewsbury.**—HALL, WATERIDGE & OWEN, LTD., Chartered Auctioneers, Valuers and Estate Agents. Tel. 2081.  
**Shrewsbury and South Shropshire.**—DEAKIN & COTTERILL, 8 Wyle Cop, Shrewsbury, Auctioneers, Estate Agents and Valuers. Tel. 5306 and 2313. And at Church Stretton.  
**Wellington.**—BARBER & SON, Auctioneers, Valuers, Surveyors and Estate Agents, 1 Church Street. Tel. 27 and 444 Wellington.  
**Whitchurch.**—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 15 Watergate Street, Whitchurch. Tel. 62.

**SOMERSET**

**Bath and District and Surrounding Counties.**—COWARD, JAMES & CO., incorporating FORT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.  
**Bath and District.**—Estate Agents, Auctioneers and Valuers, Valuations for Probate, Mortgage, etc. HALLETT & CO., 3 Wood Street, Queen Square, Bath. Tel. 3779 and 2118.  
**Bath and District.**—JOLLY & SON, LTD. (Est. 1825.) Estate Agents and Valuers, Funeral Directors, Probate Valuers, Chattel Auction Rooms, Milcom Street, Bath. (Tel. 3201.)  
**Bath, Bristol and District.**—LOUIS POWELL & CO., Incorporated Auctioneers, Estate Agents and Valuers, 1 Princess Buildings, Bath. Tel. 2127.  
**Bath and the West.**—CRISP'S ESTATE AGENCY (C. Cowley, F.V.I., Incorporated Surveyor and Valuer, J. L. Cowley, A.A.I., Chartered Auctioneer and Estate Agent) (Est. 1879), Abbey Chambers, York Street, Bath. Tel. 3606 and 61706.  
**Crowkerne.**—25 miles radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 546.  
**Taunton and District.**—C. R. MORRIS, SONS AND PEARD, Land Agents, Surveyors, Valuers, Auctioneers, 6a Hammet Street. Tel. 2546. North Curry. Tel. 319.

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements

presumption was not rebutted because the plaintiffs were deceived into thinking that the rogue was someone else. The test that had been propounded did not show more than that. Accordingly, there was offer and acceptance in form. A mistake would only vitiate a contract if it was a mistake about some essential of the contract. In the present case, identity was really immaterial. The fact that the rogue said he was Hutchinson was no proof that he was Hutchinson. The plaintiffs were not really concerned with the identity of the rogue, but with his credit-worthiness. But credit-worthiness was not a basic fact in relation to a contract, and a mistake about it did not vitiate a contract.

Appeal dismissed. Leave to appeal to the House of Lords.

APPEARANCES: *Stephen Chapman, Q.C.*, and *Ronald Hopkins (Corbin, Greener & Cook, for Charles Ingham, Clegg & Crowther, St. Annes-on-Sea, Lancs); Ingram Poole (Gibson & Weldon, for B. A. Greenwood & Co., Poole, Dorset).*

[Reported by NORMAN PRINCE, Esq., Barrister-at-Law] [3 W.L.R. 504]

### Chancery Division

#### BUILDING CONTRACT: I.C.E. FORM: CONSTRUCTION

#### A. E. Farr, Ltd. v. Ministry of Transport

Buckley, J. 22nd June, 1960

Adjourned summons.

A contract to carry out certain civil engineering works in connection with the construction of a dual carriageway vehicular underpass was comprised in articles of agreement, a form of tender, certain drawings, the I.C.E. General Conditions of Contract, 4th ed. (1955), approved by the Institution of Civil Engineers jointly with the Association of Consulting Engineers and the Federation of Civil Engineering Contractors, a specification and bills of quantities. Clause 60 of the general conditions provided for monthly payments to the contractor on interim certificates of the engineer, and empowered the engineer to withhold certificates if the works were not being carried out to his satisfaction and to withhold retention money in certain circumstances. Clause 66 provided that in the event of a dispute between the employer or the engineer and the contractor the matter should be referred to the engineer, whose decision should be final, but that if either the employer or the contractor was dissatisfied with a decision he could require the matter to be referred to an arbitrator. The clause continued: "Such reference except as to the withholding by the engineer of any certificate or the withholding of any portion of the retention money under cl. 60 hereof to which the contractor claims to be entitled . . . shall not be opened until after the completion or alleged completion of the works unless with the written consent of the employer and the contractor." Before completion of the works a dispute arose, the contractors claiming to be entitled to payment for excavation not only of the space to be occupied by the retaining walls of a tunnel but also the necessary working space, which latter item was not included in the form of tender. The engineer refused to include this claim in his certificate and the contractor procured the appointment of an arbitrator. The employer contended that the dispute could not be referred to arbitration under cl. 66 until the works had been completed. The contractors took out a summons to determine whether, on the true construction of cl. 66, the dispute was a dispute as to the withholding by the engineer of a certificate within the meaning of that clause.

BUCKLEY, J., said that the words in cl. 66 "the withholding by the engineer of any certificate" were not qualified by the words "under cl. 60" but were unrestricted in their context and apt to apply wherever the circumstances were such that the engineer should have given a certificate. Any dispute or

difference relating to something in consequence of which a certificate had been refused which on one view of the question ought to have been given was a dispute or difference as to the withholding of that certificate. By refusing to certify for the excavation of the working space the engineer had withheld a certificate and that had given rise to a dispute or difference as to the withholding by the engineer of a certificate within the meaning of cl. 66. Therefore, the reference to arbitration might be opened before the completion of the works without the consent of the employer.

APPEARANCES: *R. D. Stewart-Brown, Q.C.*, and *J. Stuart Daniel (Henry Boustred & Sons); E. Blanshard Stamp (Treasury Solicitor).*

[Reported by Miss M. G. THOMAS, Barrister-at-Law] [1 W.L.R. 956]

### Probate, Divorce and Admiralty Division

#### HUSBAND AND WIFE: SETTLEMENT: VARIATION: POST-NUPTIAL SETTLEMENTS ON THE CHILDREN

#### Compton (Marquess of Northampton) v. Compton (Marchioness of Northampton) and Hussey

Marshall, J. 1st February, 1960

Application under ss. 24 and 25 of the Matrimonial Causes Act, 1950.

The parties were married in 1942, when the husband was 56 and the wife 22, and there were four children, namely, girls born in 1943 and 1944, and boys born in 1946 and 1947. The parties separated in 1957, and the marriage was dissolved in 1958 on the ground of the wife's adultery with the co-respondent, whom she subsequently married and who benefited under her will. Settlements were made in 1946 in favour of each of the two daughters, and in 1947 in favour of each of the two sons, out of moneys provided solely by the husband; the wife was a trustee under all four settlements. She had a life interest in certain events under the settlements in favour of the daughters, and a power of appointment under those in favour of the sons. In 1947 the husband executed a deed of gift in favour of the wife, under which property and other investments to the value of £121,350 were transferred to her, the estimated value of which had increased to some £227,000 by the date of these proceedings. A further sum of £19,000 was given to the wife in 1948. The husband applied after the divorce for a variation of the four settlements under s. 25 of the Matrimonial Causes Act, 1950, to extinguish the rights, powers and interests of the wife as if she were dead or had died at the date of decree absolute. The extinction of the life interest was not resisted by the wife. The husband further applied under s. 24 of the Act for an order on the wife to execute a settlement in favour of the children out of the property and investments he had given her. It was proposed on behalf of the children that the sum to be settled should be £140,000.

MARSHALL, J., said that the settlements upon the children were post-nuptial settlements within the meaning of s. 25, for they were made in the course of the marriage, they dealt with the interests of the children, and the wife had been given powers over the disposal of the property as trustee and otherwise, and he (his lordship) accordingly had jurisdiction to deal with the matter. In his opinion, the wife should remain as a trustee, for there was no evidence to suggest that she was likely to abuse her position. The appropriate Division, moreover, in which to apply for the removal of trustees was the Chancery Division. She should also retain her powers of appointment, which were in any event limited, for there was the possibility, in view of their ages, that she would survive her husband, she remained the children's mother and had access to them, and there was no evidence



that the interests of the husband or the children would be prejudiced by her continuing to hold the powers so long as she continued properly to act as trustee. She should, however, be ordered to execute a settlement of £140,000 or its equivalent upon the four children under s. 24 of the Act, for it was clear that it was the duty of the court to restore, as far as was reasonable and just, the pecuniary status of the parties that had so materially been changed by the wife's adultery and the divorce. The money had been given to her from family resources in the belief that the marriage would

continue, and that on the husband's death she would use it for her widowhood and for the benefit of the children; and although she had left her residuary estate to them in the will benefiting her second husband, there was no guarantee what the amount of that estate would be.

APPEARANCES: *R. J. A. Temple, Q.C.*, and *W. D. Collard (Jaques & Co.)*; *Gilbert Beyfus, Q.C.*, and *Donaldson Loudoun (Lewis & Lewis and Gisborne & Co.)*; *J. G. Strangman, Q.C.*, and *E. I. Goulding (Jaques & Co.)*.

[Reported by JOHN B. GARDNER, Esq., Barrister-at-Law] [3 W.L.R. 476]

## CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of "The Solicitors' Journal"]

### Revocation of Clearance Orders

Sir,—Section 44 of the Housing Act, 1957, provides that when a clearance order has been confirmed by the Minister then the buildings under such order shall be demolished. There is no safeguard to an owner who has allowed time to pass without taking steps to protect his interests. There are owners who, for some reason or other, possibly on the grounds of infirmity or illness, cannot take up the cudgels against the powers, whims and fancies of a local authority.

Representations of such an example have been brought to the notice of the Ministry. The reply is that "the points made

will be borne in mind when the opportunity arises to introduce amending legislation."

Fortunately, demolition orders can now, under the 1957 Act, be revoked. It is hoped therefore that no time will be lost in providing the necessary legislation for similar provisions regarding clearance orders. In the meantime there are owners of property who are being told that nothing can be done under the present legislation. Is this not as good as saying to a man who is condemned to die: "The law will be amended but I am afraid the executioner cannot wait. You have got to be hanged"?

Sheringham,  
Norfolk.

A. E. HAMLIN.

## IN WESTMINSTER AND WHITEHALL

### STATUTORY INSTRUMENTS

- Air Navigation** (Restriction of Flying) (Farnborough) Regulations, 1960. (S.I. 1960 No. 1516.) 4d.
- Caravan Sites** (Licence Applications) Order, 1960. (S.I. 1960 No. 1474.) 5d.
- Draft Coal Mines** (Precautions against Inflammable Dust) (Variation) Regulations, 1960. 5d.
- Conveyance by Rail** of Government Explosives and Explosives of Visiting Forces (Amendment) Regulations, 1960. (S.I. 1960 No. 1445.) 6d.
- Conveyance by Road** of Government Explosives and Explosives of Visiting Forces (Amendment) Regulations, 1960. (S.I. 1960 No. 1446.) 6d.
- Conveyance in Harbours** of Government Explosives and Explosives of Visiting Forces (Amendment) Regulations, 1960. (S.I. 1960 No. 1444.) 6d.
- Goods Vehicles** (Licences and Prohibitions) Regulations, 1960. (S.I. 1960 No. 1505.) 1s. 5d.
- Leeds** (Lindley Wood Reservoir) Water Order, 1960. (S.I. 1960 No. 1453.) 5d.
- London** (Prohibition of Waiting) (Various Main Routes) (Amendment) Regulations, 1960. (S.I. 1960 No. 1485.) 5d.
- London Traffic** (Prescribed Routes) (City of St. Albans) (No. 2) Regulations, 1960. (S.I. 1960 No. 1484.) 5d.
- National Health Service** (Remission of Dental Charges) Order, 1960. (S.I. 1960 No. 1436.) 4d.
- North Bedfordshire** Water Board Order, 1960. (S.I. 1960 No. 1473.) 1s. 5d.
- Public Service Vehicles** (Contract Carriage Records) Regulations, 1960. (S.I. 1960 No. 1503.) 5d.
- Public Service Vehicles** (Licences and Certificates) (Amendment) Regulations, 1960. (S.I. 1960 No. 1504.) 5d.
- Public Service Vehicles** (Particulars of Interests) Regulations, 1960. (S.I. 1960 No. 1506.) 5d.
- Retention of a Railway over Highways** (County of Stafford) (No. 1) Order, 1960. (S.I. 1960 No. 1468.) 5d.
- Retention of Cables under Highways** (County of Gloucester) (No. 2) Order, 1960. (S.I. 1960 No. 1467.) 5d.
- South Staffordshire** Water Order, 1960. (S.I. 1960 No. 1454.) 6d.

### Stopping up of Highways Orders, 1960:—

- City and County Borough of Bath (No. 2). (S.I. 1960 No. 1458.) 5d.
- City and County Borough of Bradford (No. 5). (S.I. 1960 No. 1439.) 5d.
- City and County of Bristol (No. 5). (S.I. 1960 No. 1441.) 5d.
- City and County of Bristol (No. 6). (S.I. 1960 No. 1461.) 5d.
- County Borough of Burnley (No. 2). (S.I. 1960 No. 1447.) 5d.
- County of Chester (No. 13). (S.I. 1960 No. 1490.) 5d.
- City and County Borough of Coventry (No. 1). (S.I. 1960 No. 1491.) 5d.
- County Borough of Eastbourne (No. 1). (S.I. 1960 No. 1480.) 5d.
- County of Gloucester (No. 9). (S.I. 1960 No. 1462.) 5d.
- County of Kent (No. 15). (S.I. 1960 No. 1479.) 5d.
- County of Kent (No. 23). (S.I. 1960 No. 1459.) 5d.
- County of Kent (No. 24). (S.I. 1960 No. 1448.) 5d.
- County of Lancaster (No. 21). (S.I. 1960 No. 1498.) 5d.
- County of Lincoln, Parts of Kesteven (No. 1). (S.I. 1960 No. 1492.) 5d.
- County Borough of Liverpool (No. 10). (S.I. 1960 No. 1493.) 5d.
- County Borough of Liverpool (No. 13). (S.I. 1960 No. 1494.) 5d.
- London (No. 44). (S.I. 1960 No. 1495.) 5d.
- London (No. 50). (S.I. 1960 No. 1481.) 5d.
- County of Northampton (No. 4). (S.I. 1960 No. 1496.) 5d.
- County of Oxford (No. 3). (S.I. 1960 No. 1460.) 5d.
- County of Salop (No. 2). (S.I. 1960 No. 1463.) 5d.
- County of Somerset (No. 3). (S.I. 1960 No. 1464.) 4d.
- County of Somerset (No. 4). (S.I. 1960 No. 1497.) 5d.
- County of York, North Riding (No. 5). (S.I. 1960 No. 1500.) 5d.
- County of York, West Riding (No. 14). (S.I. 1960 No. 1469.) 5d.
- County of York, West Riding (No. 15). (S.I. 1960 No. 1470.) 5d.
- Superannuation** (Transfers between the Civil Service and Public Boards) (Amendment) Rules, 1960. (S.I. 1960 No. 1466.) 5d.
- Town and Country Planning** (General) (Amendment) Regulations, 1960. (S.I. 1960 No. 1475.) 5d.



## REGISTER OF Auctioneers, Valuers, Surveyors, Land and Estate Agents

### SOMERSET (continued)

Weston-super-Mare.—LALONDE BROS. & PARHAM (Est. 1846), 23 Waterloo Street (Tel. 4500); and at Bristol.  
Weston-super-Mare and District.—MASTERS & CO. F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 5 High Street. Tel. 6443/4.  
Yeovil and District.—PALMER, SNELL & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. Tel. 25 and 1796. London Office: 130 Mount Street, W.1.

### STAFFORDSHIRE

Stoke-on-Trent and North Staffs.—CHARLES BUTTERS & SONS, Established 1856. Chartered Auctioneers, Surveyors, Valuers and Estate Agents, Trinity Buildings, Hanley, Stoke-on-Trent. Tel. 2138/9. Also at Leek.

### SUFFOLK

Bury St. Edmunds and East Anglia.—LACY SCOTT AND SONS, 3 Hatter Street, Bury St. Edmunds. Phone 43 and 692.  
Ipswich and East Anglia.—SPURLINGS & HEMPSON (Est. 1780), Chartered Surveyors, Chartered Auctioneers, 26 Prince Street, Ipswich. Tel. 51807/8.  
Ipswich and East Anglia.—WOODCOCK & SON, 16 Arcade Street, Ipswich. Tel. 54352 (2 lines). Specialists in Selling Country Property and Farms. Established 1850.  
Woodbridge and East Suffolk.—ARNOTT & CALVER, Auctioneers and Valuers. Est. 1870. Tel. 179.

### SURREY

Addiscombe, Shirley, Croydon.—MILLER, WILKINS AND CO., Auctioneers, Surveyors and Valuers, 191 Lower Addiscombe Road. Tel. ADDiscombe 2233/4; and 142 Wickham Road, Shirley. Tel. ADDiscombe 4021.  
Ashstead and Leatherhead.—DOUGLAS & CO., F.A.I.P.A., Principal Office: 8 High Street, Leatherhead. Tel. 4136/7 (5 Offices).  
Camberley (Hants and Berks Borders)—SADLER AND BAKER, Chartered Auctioneers and Estate Agents, 95 High Street. Est. 1880. Tel. 1619.  
Caterham and District, Sanderstead to Purley.—J. C. O'BRIEN, Station Avenue, Caterham. Tel. 4255 and 348. Limsfield Road, Sanderstead. Tel. 4426.  
Cobham.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 47. Offices throughout West Surrey.  
Couldean.—SINDEN, TOMKINS & KING, F.A.I.P.A., Valuers, Surveyors and Estate Agents, 26 Chipstead Valley Road. Tel. UPLANDS 0600.  
Croydon.—BLAKE, SON & WILLIAMS, Est. 1798. Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 51 High Street, Croydon. CROYdon 2155/6.  
Croydon, Addiscombe and Wallington.—BOWDITCH & GRANT (Est. 1881), Surveyors, Valuers, Auctioneers, 103/105 George Street, Croydon. Tel. CRO 0138/9.  
Croydon and District.—JOHN P. DICKINS & SONS, Surveyors, Valuers and Estate Agents. Est. 1882. 2 and 4 George Street, Croydon. CROYdon 3128/9/30.  
Croydon and London.—HAROLD WILLIAMS AND PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, 80 High Street, Croydon. Tel. Croydon 1931. And at Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288.  
Croydon and Epsom.—ROBT. W. FULLER, MOON AND FULLER, Chartered Surveyors, Valuers and Auctioneers, 85 High Street, Croydon (CRO 3124/6), and at Epsom (communications to Croydon Office). Established 1824.  
Croydon and Sutton.—SAINT, SYMINGTON AND STEDMAN, Surveyors, Auctioneers and Valuers, 106 High Street, Croydon. Tel. CRO 2216/7. And at 6 Cheam Road, Sutton. Tel. VIG 7616/7.  
Dorking.—ARNOLD & SON, Auctioneers & Surveyors, 171 High Street and branches. Est. 1855. Tel. 2201/2.  
Dorking.—WHITE & SONS, 104 High Street. Agricultural and General Surveyors and Valuers. Tel. 3255.  
Dorking & London.—PEARSON, COLE & SHORLAND, Auction and Estate Offices, Dorking. Tel. 3897/8. Surveyors, Valuers and Auctioneers; and at 2 Hans Road, S.W.3. Tel. Kensington 0064.  
Dorking, Bookham and Effingham.—CUBITT AND WEST, Tel. Dorking 2212, Bookham 2744. Valuers, Surveyors, Estate Agents.  
Dorking and Reigate.—A. R. & J. GASCOIGNE-PEES, F.A.I.P.A., Auctioneers, Estate Agents and Surveyors, 258/260 High Street, Dorking. Tel. 4071/2. 6 Church Street, Reigate. Tel. 4423/3. And at Leatherhead and Epsom.  
Epsom and Ewell.—DOUGLAS & CO., F.A.I.P.A., Principal Office: 10 High St., Epsom. Tel. 2362/4. (3 Offices, Ewell to Leatherhead).  
Epsom and Leatherhead.—A. R. & J. GASCOIGNE-PEES, F.A.I.P.A., Auctioneers, Estate Agents and Surveyors, 21 High Street, Epsom. Tel. 4045/6. 4 Bridge Street, Leatherhead. Tel. 4133/4. And at Reigate and Dorking.  
Esher.—EWBANK & CO., in association with Mann & Co. Est. 1891. Tel. 3537/8. Offices throughout West Surrey.  
Esher and District.—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street. Tel. Esher 12.

### SURREY (continued)

Ewell.—WILTSHIRES, Estate Agents, Surveyors, Auctioneers and Valuers, 55 High Street. Tel. Ewell 1645/6.  
Farnham.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 4 Castle Street. Tel. 3274 (2 lines).  
Farnham.—CUBITT & WEST, Tel. Farnham 5261. Valuers, Surveyors, Estate Agents.  
Farnham.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 74 Castle Street. Tel. 6221/3. And at Alton and Basingstoke, Hants.  
Farnham.—GERMAN, ADDY & CO. (Est. 1903). Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 111 West Street. Tel. 5283/4.  
Farnham.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 32 South Street. (Tel. 6277).  
Godalming.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, Estate Offices. Tel. 1722 (5 lines).  
Guildford.—MANN & CO., Est. 1891, 22 Epsom Road. Tel. 62911/2. Offices throughout West Surrey.  
Guildford.—MESSENGER, MORGAN & HAY, Chartered Surveyors, 8 Quarry Street. Tel. 2992/4.  
Guildford.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 144 High Street. (Tel. 2811/2).  
Haslemere.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 20 High Street. Tel. 1207.  
Haslemere and Hindhead.—CUBITT & WEST, Tel. Haslemere 2345/6/7, Hindhead 63. Valuers, Surveyors, Estate Agents.  
Kingston.—A. G. BONSOR, STEVENS & CO., Est. 1899, 82 Eden Street. Tel. KIN 0022.  
Kingston.—NIGHTINGALE, PAGE & BENNETT, Est. 1825, Chartered Surveyors, 18 Eden Street. Tel. KIN 3356.  
Kingston upon Thames and Area.—BENTALLS ESTATE OFFICES (L. J. Smith, F.A.I.P.A., P. F. Parkinson, B.Sc., A.A.L.P.A.), Wood St. KIN 1001. Sales, surveys, property and chattel valuations, lettings, management.  
Leatherhead, Ashstead, Oxshott.—CHAS. OSBENTON AND CO., Chartered Auctioneers, 36 North Street, Leatherhead. (Tel. 3001/2); Ashstead 2382, Oxshott 3344.  
Mitcham.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, Upper Green. Tel. MITcham 6101/2.  
Redhill and Mersham.—E. H. BENNETT & PARTNERS, Auctioneers and Valuers. Tel. Redhill 3672. Mersham 2234/5.  
Reigate.—MARTEN & CARNABY, Surveyors, Auctioneers and Valuers, 23 Church Street. Tel. 3361/2.  
Richmond.—ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected, 27 Kew Road (Opposite Richmond Station). Tel. RIC 4811/2.  
Richmond.—PENNINGTONS, 23 The Quadrant, Auctions, Valuations, Surveys. Rents collected. Tel. RIC 2255 (3 lines).  
Sanderstead.—HOOKER & ROGERS, Railway Approach, Sanderstead. Manager, K. C. Fox, A.R.I.C.S. Tel. SAN 4414/5.  
Surrey.—E. W. WALLAKER & CO., F.A.I.P.A., Surveyors, Valuers, Auctioneers and Estate Agents, 56/7 Victoria Road, Surbiton, Surrey. Tel. Elmbridge 5381/4 and 4750, and at Chessington, Surrey, Shoreham-by-Sea and Lancing, Sussex. (Chartered Surveyor D. J. Peachey, F.R.I.C.S.).  
Sutton.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 269 High Street. Tel. VIG 0026/7/8. And at Thornton Heath, Norbury and Piccadilly, W.1.  
Sutton.—IDRIS JONES & PARTNERS, F.R.I.C.S., F.A.I., 22 The Arcade, Sutton. VIGilant 0182; and at 300 Abbey House, Westminster.  
Thornton Heath.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, 781 London Road. Tel. THO 6211/2.  
Thornton Heath.—DOUGLAS GRAHAM & CO., Estate Agents and Property Managers, 806 London Road. Tel. THO 3888 (4 lines). And at Norbury, Sutton and Piccadilly, W.1.  
Virginia Water and Wentworth.—GOSLING AND MILNER, Station Approach, Virginia Water. Tel. Wentworth 2277. And at 6 Lower Grosvenor Place, S.W.1. Tel. Victoria 3634.  
Wallington.—WILLIAM A. DAVIS & PARTNERS, 4 Stanley Park Road. Tel. Wallington 2567.  
Walton.—MANN & CO., Est. 1891, 38 High Street. Tel. 2331/2. Offices throughout West Surrey.  
Wotton and Weybridge.—HGBY & CHARD (Consultants: George Goss, H.A., F.R.I.C.S., V. C. Lawrence, F.R.I.C.S.), 45 High Street, Walton-on-Thames. Tel. 20487/8.  
Walton/Weybridge.—WARING & CO. Est. 1890. Surveyors, Estate Agents, Auctioneers and Valuers. Tel. Walton-on-Thames 24151/2.  
West Byfleet.—MANN & CO., incorporating Ewbank and Co. Est. 1891. Tel. 3288/9. Offices throughout West Surrey.  
Weybridge.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 2323/3. Office throughout West Surrey.  
Weybridge and District.—J. E. PURDIE & SON, Chartered Surveyors and Estate Agents, 1 and 3 Queens Road, Weybridge. Tel. 3307 (3 lines), and at Walton-on-Thames.  
Weybridge and District.—WATERER & SONS, Chartered Auctioneers and Estate Agents, Surveyors, etc. Tel. 3838/9.

### SURREY (continued)

Woking.—HOAR & SANDERSON, F.V.I. Tel. 3263/4. Ten associated Survey offices.  
Woking.—MANN & CO., Est. 1891, Chartered Surveyors Tel. 3800 (6 lines). Offices throughout West Surrey.  
Woking.—MOLDHAM, CLARKE & EDGLEY, Chartered Surveyors. Tel. 3419; and at Guildford.  
SUSSEX  
Angmering-on-Sea, Rustington, Worthing and Storrington.—BERNARD TUCKER & SON, Est. 1890. L. B. Tucker, F.R.I.C.S., F.A.I., G. H. E. Evans, F.A.I.P.A., W. J. Brown, F.A.I. Tels. Rustington 1, Worthing 5708/9, Storrington 535.  
Arundel and Rustington.—HEASMAN & PARTNERS. Tel. Arundel 2323, Rustington 900.  
Bexhill-on-Sea.—JOHN BRAY & SONS (Est. 1864), Estate Agents, Auctioneers and Valuers, 1 Devonshire Square. Tel. 14.  
Bexhill-on-Sea and Cooden.—ERNEST SHEATHER, F.A.I., & PARTNER, Auctioneers and Estate Agents, 14 St. Leonards Road. Tel. 350, 351 and 2280.  
Bexhill-on-Sea and Little Common.—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.  
Brighton.—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.  
Brighton.—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.  
Brighton.—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple E.C.4. Tel. Central 5356. 3 The Stayne, Worthing. Tel. Worthing 9192/3.  
Brighton.—FRANK STONE & PARTNERS, F.A.I.P.A., 84 Queen's Road. Tel. Brighton 29252/3.  
Brighton and Hove.—WILLIAM WILLET, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.  
Brighton, Hove and Surrounding Districts.—HAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.  
Brighton and Hove and Surrounding Districts.—C. HORTON LEDGER, F.A.I., Established 1885, Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove, Sussex. Tel. 71291.  
Chichester and Bognor Regis.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.  
Crawley.—JOHN CHURCHMAN & SONS, Chartered Surveyors, Valuers and Land Agents. Tel. Crawley 1899.  
Crawley.—WM. WOOD, SON & GARDNER, Surveyors and Valuers. Tel. Crawley, 1.  
Crowthorne.—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowthorne 3333.  
Eastbourne.—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1840.  
Eastbourne.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 12 Gildredge Road. Tel. Eastbourne 1285.  
Eastbourne.—HEFFORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.  
Eastbourne.—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.  
Eastbourne and District.—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 87 Eastbourne Road, Lower Willington, and 4 Grand Parade, Poolegate.  
East Grinstead.—Messrs. P. J. MAY (P. J. May and A. L. Aphors, F.R.I.C.S., F.A.I., H.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.  
East Grinstead.—TURNER, RUDGE & TURNER, Chartered Surveyors. Tel. East Grinstead 700/1.  
Hasocks and Mid-Sussex.—AYLING & STRUDWICK, Chartered Surveyors. Tel. Hasocks 882/3.  
Hastings, St. Leonards and East Sussex.—DYER & OVERTON (M. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, F.R.I.C.S.), Consultant Chartered Surveyors. Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5641 (3 lines).  
Hastings, St. Leonards and East Sussex.—WEST (Godrey, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 668/9.  
Haywards Heath and District.—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.  
Haywards Heath and Mid-Sussex.—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.  
Horsham.—KING & CHASEMORE, Chartered Surveyors, Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3395 (3 lines).  
Horsham.—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

(continued on p. xviii)

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements

## REGISTER OF

**Auctioneers, Valuers, Surveyors, Land and Estate Agents****SUSSEX (continued)**

**Hove.**—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent, 75 Church Road Hove. Tel. Hove 37213 (3 lines).  
**Hove.**—PARSONS SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564.  
**Hove and District.**—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road, Tel. Hove 31822.  
**Hove, Portslade, Southwick.**—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.  
**Lancing.**—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.  
**Lewes and Mid-Sussex.**—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 750. And at Ditchling and Hursleypoint.  
**Seaford.**—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place, Tel. 2144.  
**Storrington, Pulborough and Billingshurst.**—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billingshurst (Tel. 291).  
**Sussex and Adjoining Counties.**—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).  
**West Worthing and Goring-by-Sea.**—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 8686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.  
**Worthing.**—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.  
**Worthing.**—EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road, Tel. 4060.  
**Worthing.**—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.  
**Worthing.**—PATCHING & CO., Est. over a century. Tel. 5000, 5 Chapel Road.  
**Worthing.**—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

**WARWICKSHIRE**

**Birmingham and District.**—SHAW, GILBERT & CO., F.A.I., "Newton Chambers" 43 Cannon Street, Birmingham, 2. Midland 4784 (4 lines).

**WARWICKSHIRE (continued)**

**Coventry.**—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.  
**Coventry.**—CHAS. B. ODELL & CO. (Est. 1901) Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).  
**Leamington Spa and District.**—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).  
**Rugby and District.**—WIGGINS & RUSSELL, Auctioneers, etc., 14 Regent Place, Rugby (Tel. 2548).  
**Sutton Coldfield.**—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

**WESTMORLAND**

**Kendal.**—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10e Highgate. Tel. 1375.  
**Windermere.**—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

**WILTSHIRE**

**Bath and District and Surrounding Counties.**—COWARD, JAMES & CO., Incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.  
**Marlborough Area (Wilts, Berks and Hants Borders).**—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2. And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

**WORCESTERSHIRE**

**Kidderminster.**—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.  
**Worcester.**—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

**YORKSHIRE**

**Bradford.**—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Kelghley.

**YORKSHIRE (continued)**

**Bradford.**—DAVID WATERHOUSE & NEPHEWS, F.A.I., Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).  
**Hull.**—EXLEY & SON, F.A.L.P.A. (Incorporating Officer and Field), Valuers, Estate Agents, 70 George Street, Tel. 3399/2.  
**Leeds.**—SPENCER, SON & GILPIN, Chartered Surveyor 2 Wormald Row, Leeds, 2. Tel. 3-0171/2.  
**Scarborough.**—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.  
**Sheffield.**—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Ratford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

**SOUTH WALES**

**Cardiff.**—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 20429.  
**Cardiff.**—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.  
**Cardiff.**—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.  
**Cardiff.**—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.  
**Swansea.**—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.  
**Swansea.**—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

**NORTH WALES**

**Denbighshire and Flintshire.**—HARPER WEBB & CO., (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.  
**Wrexham, North Wales and Border Counties.**—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Office, 43 Regent Street, Wrexham. Tel. 3483/4.

**THE STAR & GARTER HOME**  
For Disabled Sailors, Soldiers and Airmen

PATRON - HER MAJESTY THE QUEEN

About £40,000 is needed at the beginning of each year to meet the difference between known expenditure and dependable income.

THE HOME, WHICH IS AN INDEPENDENT CHARITY, RELIES ON FURTHER LEGACIES TO FILL THIS GAP.

Any additional information required is available from the Commandant (Dept. S.J.)

Star and Garter Home, Richmond, Surrey

**WHEN SELLING STAMPS**

Executors will find complete security in the H. R. HARMER Auctions.

More than 3,000 leading Philatelists are regular buyers at H. R. Harmer's weekly sales in London and New York. Realizations are consistently the highest in philatelic auctioneering.

Valuations for insurance, export, probate or sale, are accepted by all authorities. Fees are remitted in full if sale instructions are given within two years of appraisal.

Prospective Vendors cannot do better than place their interest in H. R. Harmer's hands. Write for leaflet which gives full particulars of sale by auction or private treaty, commission terms, insurance arrangements, etc.

If you wish to buy fine stamps, write for a catalogue subscription blank and leaflet giving particulars of the H. R. Harmer service.

**H. R. HARMER, LTD.,** International Stamp Auctioneers  
41 NEW BOND STREET, LONDON, W.1  
and at New York and Sydney. [Tel.: Mayfair 0218]

**REVERSIONARY INTEREST SOCIETY LTD.** (Est. 1823)**EQUITABLE REVERSIONARY INTEREST SOCIETY LTD.** (Est. 1835)

The two Societies under the same management at

19 COLEMAN STREET, LONDON, E.C.2

Total Funds invested in the purchase of Reversions and Life Interests or in Loans upon them: **£2,000,000**

The Law Costs for Loans are regulated by Scale

**PRIVATE ENQUIRY AGENTS**

FOR

- ★ SERVICE OF ALL LEGAL PROCESS
- ★ ROUTINE SEARCHES
- ★ COMMERCIAL & CRIMINAL INVESTIGATION
- ★ EVIDENCE IN SUPPORT OF PETITIONS FOR DIVORCE

Phone: TEMPLE BAR 8724-8725

**COLLINS & HOLMES**  
359 STRAND, LONDON, W.C.2

**LOVERS OF ANIMALS**

are asked to make a bequest to

THE

**P. D. S. A.**

Patron: H.R.H. The DUCHESS OF KENT

Founded in 1917 by Mrs. M. E. DICKIN, C.B.E.

Hon. Treasurer: The Rt. Hon. LORD BRABAZON OF TARA, P.C., M.C.

THE ONLY SOCIETY ESTABLISHED EXCLUSIVELY FOR THE FREE TREATMENT OF SICK ANIMALS WHOSE OWNERS CANNOT AFFORD PRIVATE VETERINARY FEES

Nearly 1,000,000 Cases Treated Annually

**THE PEOPLE'S DISPENSARY FOR SICK ANIMALS**  
P.D.S.A. House, Clifford Street, London, W.1. (Tel. REGent 6916)

Incorporated by Special Act of Parliament



Town and Country Planning General Development (Amendment No. 2) Order, 1960. (S.I. 1960 No. 1476.) 5d.  
**Treasury** (Loans to Local Authorities) (Interest) (No. 3) Minute, 1960. (S.I. 1960 No. 1488.) 5d.  
**Treasury** (Loans to Persons Other than Local Authorities) (Interest) (No. 3) Minute, 1960. (S.I. 1960 No. 1489.) 5d.  
**Trunk Roads** (50 m.p.h. Speed Limit) (Amendment) Order, 1960. (S.I. 1960 No. 1396.) 5d.

### SELECTED APPOINTED DAYS

#### August

22nd Legal Aid (Assessment of Resources) Regulations, 1960. (S.I. 1960 No. 1471.)  
Legal Aid (General) (Amendment No. 2) Regulations, 1960. (S.I. 1960 No. 1472.)  
24th Rate-Product Rules, 1960. (S.I. 1960 No. 1530.)  
29th Caravan Sites and Control of Development Act, 1960.  
Caravan Sites (Licence Applications) Order, 1960. (S.I. 1960 No. 1474.)  
Town and Country Planning (Building Preservation Order) (Amendment) Regulations, 1960. (S.I. 1960 No. 1539.)  
Town and Country Planning (General) (Amendment) Regulations, 1960. (S.I. 1960 No. 1475.)  
Town and Country Planning General Development (Amendment No. 2) Order, 1960. (S.I. 1960 No. 1476.)

#### September

1st Courts-Martial Appeal Court (Fees and Expenses) Regulations, 1960. (S.I. 1960 No. 1227.)  
Federal Republic of Germany (Extradition) Order, 1960. (S.I. 1960 No. 1375.)  
Motor Vehicles (Authorisation of Special Types) (Amendment) (No. 2) Order, 1960. (S.I. 1960 No. 1295.)  
Motor Vehicles (Construction and Use) (Amendment) Regulations, 1960. (S.I. 1960 No. 1065.)  
Motor Vehicles (Driving Licences) (Amendment) Regulations, 1960. (S.I. 1960 No. 1424.)  
Road Traffic and Roads Improvement Act, 1960, except ss. 11, 13 (1) to (7), (9), (10), and 15.  
Road Traffic Act, 1960, except ss. 19 (2), 41, 66, 67, 102 (4) and 266, and Scheds. VIII (in part) and XVIII (in part).  
Tribunals and Inquiries (Air Transport Licensing Board) Order, 1960. (S.I. 1960 No. 1335.)  
Weights and Measures (Cran Measures: Verification and Marking Fees) Order, 1960. (S.I. 1960 No. 974.)  
Weights and Measures (Verification and Stamping Fees) Order, 1960. (S.I. 1960 No. 975.)

## POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the "Points in Practice" Department, The Solicitors' Journal, Oyes House, Breema Buildings, Fetter Lane, London, E.C.4. They should be brief, typewritten in duplicate, and accompanied by the name and address of the sender on a separate sheet, together with a stamped addressed envelope. Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all.

### Will—ADMINISTRATION—TIME LIMIT FOR REVOCATION OF GRANT—EFFECT OF LACHES

*Q.* *A* died some two years ago leaving a substantial estate and it was thought that *A* had made a will but it has never been possible to trace any will. Under an intestacy *A*'s estate passes to his brother *B*, and *B* has taken out a grant and has received the moneys to which he is entitled under *A*'s intestacy. However, *B* is apprehensive about spending any of the money which he has received from *A*'s estate because of the possibility that a will of *A* may come to light under which the estate might pass to someone else and under which *B* might receive no benefit, in which event *B* would have to refund moneys of *A*'s estate which *B* might have in the meantime spent. Can it please be stated whether there is any time limit for the revocation of the grant of letters of administration in such circumstances and what action *B* can take to safeguard his position in the event of his deciding to spend the money which he has received from *A*'s estate?

*A.* We are not aware of any time limit for revocation of the grant if a will is found. In *Re Coghlan; Briscoe v. Broughton* [1948] 2 All E.R. 68, an application made in 1943 for revocation of a grant taken out in 1892 was not regarded as vexatious and proceedings were allowed to continue. The test seems to be whether there are assets that can be followed in Chancery proceedings. As the administrator takes the estate for his own benefit there would not seem to be any time limit for a claim against him except that a person who discovers his rights under a will must not be guilty of such delay as amounts to laches in equity. The application of the rules in the Limitation Act, 1939, to a case such as this is a matter of doubt: see *Franks, Limitation of Actions*, pp. 80, 81, particularly footnote 99. We appreciate *B*'s problem. The only suggestion we can make is that an insurance company who undertake guarantee work might be prepared to insure against the risk of a will being found in return for a reasonable premium.

### Right of Way—POSITIVE COVENANT—ENFORCEMENT

*Q.* A right of way for access to and from the highway was granted in a conveyance to *B*, the purchaser of the freehold of a cottage, by *A*, the owner of the house and grounds in which it was situated, in the following words: "A right of way . . . over

and along the driveway . . . subject to the purchasers paying an annual contribution of £5 towards the cost of maintaining and repairing the said driveway." The cottage was later sold to *C*. The driveway is his only means of access to the main road. Can *A* recover £5 per annum from *C*?

*A.* The generally accepted view is that wording of this kind would be construed by a court as a positive covenant by the purchasers to pay the annual contribution of £5. Positive covenants are not enforceable against successors in title; see, for instance, *Emmet on Title*, 14th ed., vol. 1, p. 507. Nevertheless, the decision in *Halsall v. Brissell* [1957] Ch. 169, illustrated that a subsequent purchaser cannot claim the benefits of a deed without performing the obligations. See *Emmet*, op. cit., Second Supplement, p. 68. Consequently, we think that *A* can call on *C* to pay the £5 per year and, if he refuses, can prevent him from exercising the right of way.

### Estate Duty—RESERVATION OF BENEFIT—GIFT OF SHARE OF PARTNERSHIP—PROVISION FOR REVERSION TO DONOR ON DISSOLUTION

*Q.* In respect of instructions to prepare partnership deeds recently where a father, previously a sole trader, has given a share of the partnership to his son, the father has wished to prevent his son on receipt of his share immediately or shortly afterward withdrawing from the partnership. Some such provision as "on the son ceasing to be a partner for any reason within four years from the date hereof his share in the partnership shall be forfeited and forthwith vested in the father" is suggested. It occurs to us that such provision might be caught by the provisions of the Customs and Inland Revenue Act, 1881, s. 38 (2), for duty on the father's death even if the son did not so cease to be a partner and the father survived for the statutory period of five years. This would be so if the above clause amounted (a) to a reservation of the right to restore or reclaim his interest in the share, or (b) to a benefit reserved to the father by contract. In the case of (a), the gift of the share and the subsequent partnership deed would not, in our opinion, be a "settlement" within the meaning of s. 38 (2). We should appreciate your comments.

*A.* The provisions of the Customs and Inland Revenue Act, 1881, s. 38 (2), are incorporated into the Finance Act, 1894,



and by s. 22 (1) (i) of the latter Act combined with the Interpretation Act, 1889, s. 38, the expression "settlement" is to have the meaning which it has in the Settled Land Act, 1925. We agree with you that the gift of the share and subsequent partnership deed would not constitute such a "settlement." Therefore, the only question is whether a provision that in the event of the partnership between father and son being dissolved the son's share should pass without payment to the father is a "reservation of a benefit by contract or otherwise" within the Customs and Inland Revenue Act, 1889, s. 11 (1), as amended by the Finance Act, 1959, s. 35 (3). We know of no reported case precisely in point, but we think it must be the reservation of such a benefit. There are but two partners and under any normal form of partnership there are innumerable circumstances in which one partner can produce or compel a dissolution. At any

time within the four years the father might, perhaps merely by his voluntary resignation, bring the partnership to an end, whereupon the son will necessarily cease to be a partner, there being no longer a partnership, and as a result the property the subject matter of the father's gift will revert to him. We think it might be otherwise if the partnership deed were so drawn that on either partner voluntarily withdrawing from the partnership within the period of four years his share would pass without payment to the other partner. In those circumstances, as in *A.-G. v. Ralli* (1936), 15 A.T.C. 523, there would be an element of mutuality and therefore of consideration which would make it difficult to contend that it was a benefit reserved to the father rather than an ordinary business arrangement. Since that result would be limited to a voluntary retirement the father need not lose his share unless he wished to.

## NOTES AND NEWS

### LADIES AND THE LAW SOCIETY

A Ladies' Annexe is to be provided in The Law Society's Hall, to which members may bring ladies as guests. Mr. Michael Inchbald, M.S.I.A., F.R.S.A., M.B.A.D.A., has been commissioned by the Council to execute the work. During the last year Mr. Inchbald has redesigned the River Room in the Savoy Hotel and three public rooms in "The Windsor Castle," the 38,000-ton flagship of the Union Castle Line. He is the son of a City solicitor.

### NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

The following notices of the preparation of maps and statements under the above Act, or of modifications to maps and statements already prepared, have appeared since the tables given at pp. 432 and 590, *ante* :—

#### DRAFT MAPS AND STATEMENTS

Surveying Authority	Districts covered	Date of notice	Last date for receipt of representations or objections
Devon County Council	Holworthy Urban District: modifications to draft map and statement	12th August, 1960	15th September, 1960
West Sussex County Council	Area of the council: further modifications to draft map and statement of 10th June, 1958	19th July, 1960	26th August, 1960

#### PROVISIONAL MAPS AND STATEMENTS

Surveying Authority	Districts covered	Date of notice	Last date for applications to Quarter Sessions
County of Lincoln—Parts of Lindsey	Cleethorpes and Louth Boroughs	23rd July, 1960	21st August, 1960
Nottinghamshire County Council	Newark Borough; Newark Rural District	26th July, 1960	24th August, 1960

#### REVISION OF DRAFT MAP AND STATEMENT

Surveying Authority	Date of notice	Last date before which representations or objections may be made
West Hartlepool County Borough Council	28th July, 1960	15th December, 1960

### Personal Notes

Mr. C. P. S. LIGERTWOOD, solicitor, of Taunton, hopes to visit Taunton, Mass., during the current visit of English lawyers to attend the American Bar convention, taking with him a letter from the Mayor of Taunton to his American counterpart.

Mr. H. J. PHILBRICK, chief cashier, celebrated his fiftieth year with Messrs. Tolhurst and Fisher, solicitors, of Southend, at a private party on 22nd August arranged for himself and his wife by his employers. He was presented with a gold wrist watch in recognition of his long service.

### Societies

Members of the CENTRAL AND SOUTH MIDDLESEX LAW SOCIETY have arranged a number of informal luncheons as follows: every quarter day in the King's Head Hotel at Twickenham Junction; every two or three months in Ruislip and Northwood; every three months at the Spotted Dog Hotel, Willesden.

At a meeting of THE LAW SOCIETY YOUNG MEMBERS' GROUP in The Law Society's Hall on Tuesday, 4th October, at 6.30 p.m., the Right Honourable Lord Evershed, P.C., will give an address entitled "The Office of the Master of the Rolls."

## REGISTRAR'S CIRCULAR

### DIVORCE REGISTRY

#### PERSONS UNDER DISABILITY: ENDORSEMENT ON DOCUMENTS

The Notice required by Matrimonial Causes Rule 66 (10) and (13) of the Matrimonial Causes Rules, 1957 (as amended by the Matrimonial Causes (Amendment No. 2) Rules, 1960), should be in the following form :—

"To . . . of . . ."

TAKE NOTICE that pursuant to Rule 66 (10) and (13) of the Matrimonial Causes Rules, 1957, the contents or purport of this document are to be communicated to the Respondent (or as the case may be) the said . . ."

with, in the case of a patient, being a person who, by reason of mental disorder within the meaning of the Mental Health Act, 1959, is incapable of managing and administering his property and affairs, the following addition :—

"unless you are satisfied, after consultation with the responsible Medical Officer within the meaning of the Mental Health Act, 1959, or, where the patient is not liable to be detained or subject to guardianship under that Act, his medical attendant, that communication will be detrimental to his mental condition."

The amended rule comes into operation on the 1st November, 1960.

B. LONG,  
Registrar,  
Divorce Registry.

19th August, 1960.

### "THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertising Offices: Oyez House, Brems Buildings, Fetter Lane, London, E.C.4. Telephone: CHAncery 6855. Annual Subscription: Inland £4 10s., Overseas £5 (payable yearly, half-yearly or quarterly in advance).

Classified Advertisements must be received by first post Wednesday.

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

The Copyright of all articles appearing in THE SOLICITORS' JOURNAL is reserved.



## Classified Advertisements



PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME

3s. per line as printed

APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings

12s. for 30 words. Additional lines 2s. Box Registration Fee 1s. 6d. extra

Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to  
THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHANCERY 4885

### PUBLIC NOTICES

#### HUNTINGDON MAGISTRATES' COURTS COMMITTEE

Applications are invited for the appointment of a whole-time Assistant to the Clerk to the Justices for the Toseland and Huntingdon Borough and Leightonstone Petty Sessional Divisions.

Applicants should possess considerable experience of the work of a Justices' Clerk's office.

The salary for the appointment will be Grade A of the Senior Clerks' Assistants, namely £660 × £30 (1), £35 (2) to £760 per annum and the commencing salary according to qualifications and experience. The Scheme of Conditions of Service of the Joint Negotiating Committee will apply to the appointment which will be superannuable, subject to a satisfactory medical examination, and terminable by six weeks' notice on either side.

The successful applicant's time will be divided between the Justices' Clerk's offices at Huntingdon and St. Neots and a travelling allowance of £100 per annum will be made. If he be a married man a lodging allowance not exceeding 30s. per week will be granted for six months or until housing accommodation is found, whichever is the shorter period. A moiety of reasonable removal expenses will also be paid by the Committee.

Applications to be sent to the undersigned not later than Monday, 12th September, 1960, accompanied by the names and addresses of three referees.

A. C. AYLWARD,

Clerk to the  
Magistrates' Courts Committee.

County Buildings,  
Huntingdon.

#### HAMPSHIRE COUNTY COUNCIL

ASSISTANT SOLICITOR, Scale C (£1,385—£1,620), with previous experience in Local Government, required on staff of Clerk of County Council. Commencing salary according to experience. Duties will include committee and administrative work. Separation allowance and assistance with removal expenses in approved cases.

Applications, giving full particulars of age, education, qualifications, and experience and the names of two referees, should reach the Clerk of the County Council, The Castle, Winchester, by 19th September (second advertisement).

#### AMENDED ADVERTISEMENT

#### NORTH RIDING COUNTY COUNCIL

require MALE LAW CLERK with experience in a Solicitor's office or the legal department of a local authority, mainly for conveyancing; must be proficient typist, shorthand an advantage; salary on A.P.T. III scale—£880 × £30, £40, £35 (2), £40 to £1,065; post superannuable.

Applications, with details of experience and names of two referees, to the Clerk of the County Council, County Hall, Northallerton, by 19th September, 1960.

#### CITY OF PORTSMOUTH PROSECUTING SOLICITOR

Applications are invited for the above appointment in the Town Clerk's Department. Salary within Grade B/C (£1,345—£1,620).

Applications stating age, experience and the names of two persons to whom reference can be made should reach the Town Clerk, Guildhall, Portsmouth, on or before 19th September, 1960.

#### THE UNIVERSITY OF MANCHESTER

Applications are invited for the full-time post of LECTURER or ASSISTANT LECTURER in the Faculty of Law. Candidates should have special interests and qualifications in International Law, and preference will be given to those with first class honours degrees. Salary scales per annum: Lecturer, £1,050 to £1,850, initial salary according to qualifications and experience (including experience as a practising barrister or solicitor); Assistant Lecturer, £800 to £950. Duties to commence 1st January, 1961. Membership of F.S.S.U. and Children's Allowance Scheme. Applications should be sent not later than 5th September, 1960, to the Registrar, The University, Manchester, 13, from whom further particulars and forms of application may be obtained.

#### COUNTY BOROUGH OF BURY

Applications invited for appointment of ASSISTANT SOLICITOR within Special Scale £835—£1,165. Commencing salary based on experience. Previous local government experience desirable, but not essential.

Applications, together with the names of two referees, must reach me by 10th September, 1960.

EDWARD S. SMITH,  
Town Clerk.

Town Hall,  
Bury,  
17th August, 1960.

#### APPOINTMENTS VACANT

LITIGATION Assistant Managing Clerk established West End firm; excellent prospects for able, ambitious and keen young man. Write with details experience, age and salary required.—Box 6819, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Managing Clerk—Conveyancing and probate—required by established West End firm. Excellent prospects for keen, self reliant and knowledgeable man or woman seeking advancement. No Saturdays. Salary according to services offered. Write in confidence with details.—Box 6770, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST COUNTRY Solicitors, busy general practice, require Solicitor preferably with some experience since admission, to undertake mainly conveyancing and probate, but some advocacy. Salary by arrangement according to experience. Good prospects for suitable applicant.—Box 6953, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR of at least five years' standing required by West End firm in litigation dept.; no specialisation required; excellent opportunity to lead to partnership without capital investment for man with right experience, ability, energy and ambition; salary commensurate; write with details in confidence.—Box 6799, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

INNER S.W. LONDON.—Small but busy firm varied practice require Assistant Solicitor mainly for common law: early prospects for right man, good commencing salary. Write with details of experience and salary desired.—Box 6945, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ADMITTED Conveyancing Assistant required for small Surrey office, able to act without supervision. Salary by arrangement. Partnership prospect in near future.—Box 6946, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LITIGATION Clerk required by Lincoln's Inn Fields firm. Must have experience and knowledge of High Court practice. Commencing salary commensurate with age and experience. Five day week.—Box 6947, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BERKSHIRE.—Messrs. Charles Coleman & Co., of 20 Sheet Street, Windsor, have vacancy for Junior Conveyancing Clerk wishing to improve his position. Salary by arrangement. Pension Scheme if required.

BBC REQUIRES Assistant Head of Programme Contracts, Legal Adviser's Division. Duties cover wide range of contractual and administrative matters relating to employment of artists and speakers, including negotiation, drafting and administration of contracts for Television and Sound broadcasting and negotiations with artists' trade unions. Applicants must be solicitors qualified in England, preferably aged 30 to 35, and with at least three years' practical experience. Salary £1,920 rising by five annual increments to £2,395 p.a. max. Initial appointment may be on grade with starting salary £1,545 p.a. for period of training of not less than one year depending on age and experience of successful candidate. Requests for application forms (enclosing addressed envelope and quoting reference 60.G.419 S.J.) should reach Appointments Officer, Broadcasting House, London, W.1, within five days.

UNADMITTED Conveyancing Managing Clerk required for Central London practice. Excellent salary and prospects. Congenial offices.—Box 6948, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRESTON, LANCASHIRE.—Young Assistant Solicitor required with a view to ultimate partnership. Not more than 12 months' experience since qualifying. Expanding business. Excellent prospects. Unique opportunity of choosing type of work desired.—Box 6955, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

continued on p. 22

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements



**Classified Advertisements**

continued from p. xix

**APPOINTMENTS VACANT—continued**

**CITY** firm with expanding practice seeks additional staff in its company, Conveyancing and Probate departments. All these positions carry four figure salaries for men of experience, whether admitted or not, but applications are invited also from recent June finalists. Congenial working conditions with L.V.'s, 5-day week, Pension Scheme, Annual merit increment and bonus.—Apply with details of age and experience, indicating salary required to Box 6950, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**REQUIRED** for a post abroad unadmitted clerk, preferably experienced for many years in legal matters.—Reply Box 6951, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**OVERSEAS APPOINTMENT**

**TASMANIAN** Solicitors (Devonport) with busy practice in rapidly developing area, require competent unadmitted conveyancing/probate clerk (registered and unregistered land). Experience in costing an advantage but not essential. Pleasant working conditions. Salary £1,250 to £1,500 according to experience.—Box 6952, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**WEST LONDON.**—Assistant Solicitor required. Salary range £1,265 to £1,420 p.a. commencing according to age and experience. Provision of housing accommodation considered.—Write full details to Box 6954, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**SOLICITORS** in Reading, Berks, require Conveyancing Assistant (unadmitted) for busy practice. Good prospects and salary offered.—Please write stating age and experience.—Box 101, Granthams Advertising, Reading.

**CONVEYANCING.**—Large London firm require Assistant Solicitor or Conveyancing Managing Clerk with wide experience of conveyancing, particularly with company background. A top rate salary, which will not be less than £1,500, will be paid to the chosen applicant of the right age, background and experience.—Box 6956, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**BIRMINGHAM.**—Young energetic Solicitor required for old-established family practice, mainly conveyancing and probate; write giving full particulars of age, experience and salary required.—Box 6962, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**ASSISTANT** required with general experience (admitted or unadmitted) by firm near to London Bridge Station, male or female.—Write for appointment to Box 6963, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**YOUNG** Solicitor's Clerk, conveyancing and/or probate experience. For East Midlands town. Pension scheme.—Box 6964, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**EAST SUSSEX** Coast Solicitors near Brighton require Probate and Conveyancing Clerk. Please state age and experience. Salary up to £1,000 per annum according to experience.—Box 6933, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**EXPERIENCED** unadmitted Conveyancing and Probate Managing Clerk required for busy practice in Worcestershire. Substantial salary.—Box 6949, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**LEADING** City Solicitors require Conveyancing Solicitor of outstanding ability and experience; remuneration will be commensurate.—Write Box 354, Reynells, 44 Chancery Lane, W.C.2.

**ASSISTANT** (admitted or unadmitted) with Conveyancing and Probate experience for Solicitors in Wimborne Minster, Dorset.—Box 6927, The Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**OLD-ESTABLISHED** North London firm urgently require Assistant Solicitor or experienced Clerk to assist in busy conveyancing practice. Salary in accordance with experience. Permanent position for suitable applicant.—Box 6934, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**YOUNG** Conveyancing Assistant (aged 25-30, unadmitted) required for large old-established firm in Wiltshire. Excellent opportunity for advancement for man of ability who is capable of working with slight supervision. Good working conditions with Pension Scheme and Life Insurance Cover. Write with details of age, experience and salary required to Box 6938, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**ASSISTANT** Solicitor (newly admitted) to assist Partners of large general practice near South Midlands. Mainly conveyancing but with excellent opportunity for gaining experience in varied work. Salary according to age and experience.—Box 6939, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**MANAGER**, qualified or unqualified for large Provincial Office, west of Home Counties. Knowledge of Law, Trust Accounts and office and staff Administration and Welfare desirable; Lady, qualified or unqualified favourably considered. Please write, with age and experience to Box 6940, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**VACANCY** occurs with large Firm of Solicitors in Wiltshire for Personal Assistant (male or female) to Senior Partner. High Secretarial qualifications, ability to control departmental secretarial staff, at least ten years' legal experience, particularly in Conveyancing, all essential. Generous and progressive salary, excellent conditions, modern equipment. Write with details to Box 6941, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**SOLICITOR**, Weston-super-Mare, requires Conveyancing Clerk, admitted or unadmitted. Salary by arrangement. Pension Scheme. Modern Offices.—Apply Box 6925, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**CONVEYANCING** and Probate Assistant (admitted or unadmitted) required. Please state experience and salary required.—CHARLES & CO., 54a Woodgrange Road, Forest Gate, London, E.7. MARYland 6167.

**ASSISTANT** Solicitor recently qualified wanted for old-established general practice in Barnsley; willing to undertake advocacy.—Box 6936, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**CITY** Solicitors require unadmitted Probate Clerk.—Write giving particulars with age, experience and salary required, to Box 6350, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**APPOINTMENTS WANTED**

**SOLICITOR** (28), admitted 1956, Public School, requires partnership or position with good prospects in Bournemouth. General experience in private practice.—Box 6844, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**SOLICITOR**, six years' admitted experience, mainly conveyancing and probate, seeks position in London or northern suburbs, with definite partnership prospects; salary required £1,600 p.a.—Box 6957, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**OFFICE** Manager Cashier Book-keeper (50), with wide experience combining some Common Law and County Court, contemplates a change, and invites enquiries; London or Surrey preferred.—Box 6958, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**MANAGING** Probate and Conveyance Clerk with over 30 years' experience (15 years present position) seeks change. S.E. Essex area preferred. Salary £1,500 p.a.—Box 6965, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**PRACTICES AND PARTNERSHIPS**

**SALARIED** Partnership available in expanding branch of long-established S.E. Midlands Solicitors with prospect of full partnership in approximately two years. Applicant should be willing to undertake litigation work including advocacy. First year minimum £1,500. Subsequent arrangements will depend on applicant's efficiency and (as regards full partnership) on the extent to which he can develop his own connections.—Box 6959, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

**PROPERTY INVESTMENTS****INVESTMENTS REQUIRED**

**ACTIVE** enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 360 Neasden Lane, London, N.W.10. (Dollis Hill 6671-5).

**FREEHOLD** Ground Rents for Trust Funds.—Details to Stafford Clark & Co., Solicitors, 3 Laurence Pountney Hill, E.C.4.

**MORTGAGE FUNDS**

**WE** offer a specialised service re mortgage advances on Shop Properties, Factories and Houses over £10,000. Sums also available for Building and Industrial development.—MILLER SMITH AND PARTNERS, 139 Park Lane, W.1. Tel.: MAYfair 7081-4.

**FIRST** and Second Mortgages, Building Finance, Bridging Loans, finance for existing businesses, and the purchase of new businesses promptly granted. Mutual Funding Agency.—LAN 8434.

continued on p. xxi

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements





## Classified Advertisements



continued from p. xx

### MORTGAGE FUNDS REQUIRED

£10,000 (on 15 or 20 year repayment basis) required by private company on London Suburban freehold business property to replace overdraft; recent valuation £18,500; old-established family business. Personal guarantees of all (3) directors. Accounts, photograph and details from Company's Solicitors.—Box 6960, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

MORTGAGES required, all suitable for Trustees, Berkshire and Hampshire. £3,000, £2,000, £1,500, £6,000 and £17,500 (factory).—Apply Box 6966, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

PRIVATE and Trust Funds for mortgages required for clients on all classes of investment property; minimum advance £3,000. Interest 7½ per cent.—Write T. C. March, 6 Bell Yard, W.C.2.

### PRIVATE INQUIRIES

SERVING OF PROCESS, EVIDENCE OF MEANS, TRACING INDIVIDUALS, TAKING STATEMENTS, AND GENERAL ENQUIRY WORK—but not Divorces—carried out by RETIRED POLICE OFFICERS. Quick efficient service. Moderate fees. NUNEATON AND DISTRICT. Credit Trades Investigation Bureau Limited, Westminster Bank Chambers, Market Place, Nuneaton. Telephone Number: NUNEATON 4645.



### EAGLE INVESTIGATIONS

Private Detectives

12 Kingly Street, London, W.1

(Just off Piccadilly Circus)

GERard 1681-2

Telegrams: LONTEC-PICCY-LONDON

Cables: LONTEC-LONDON

Investigators — Couriers  
Consultants

### ALL COMMISSIONS UNDERTAKEN

Connections in all the main cities of Europe and the continents of America

Personnel: Ex-Scotland Yard Officers, Bi-lingual agents and Couriers available

DIVORCE and general inquiries undertaken throughout London, Surrey, Middlesex by our own staff. Evictions and distress warrants executed. Certificated Bailiffs. Southern Provincial Investigations, 45 Brighton Road, Surbiton, Surrey (Elmbridge 1032/4). Also at 107 Hammersmith Road, London, W.14.

### FINANCIAL

A SPECIAL car hire-purchase agreement has now been designed affording special rates to members of the legal profession.—Write for particulars to The Basinghall Finance Co., Ltd., 17 Basinghall Street, London, E.C.2.

REVERSIONS, life interests, U.K. or Overseas. Sales or advances 6% per annum by first or second charge. FOSTER & COGHILL, 26 St. James's Street, S.W.1. WHI. 5561.

MORTGAGES required for our applicants. Sums of £1,000/£10,000 on owner-occupied houses. Also larger amounts on investment property, viz.: blocks of shops, houses, factories, etc. Two-thirds value required at 6½/7½%. Full scale legal and survey charges paid. Occasionally other applicants require second mortgages at 8%/10% £200/£1,000 where there is ample equity. Write fully.—Welsford, Morgan & Co. (Mortgage Brokers since 1908), 986 London Road, Thornton Heath, Surrey, or Tel.: THO 2135.

A COMPANY for £20. Ready-made Companies for every business available immediately. Also Registration Service from ten guineas inclusive of books, seal, etc. HART & CO. (BUSH HOUSE) LTD., 138/9 Bush House, London, W.C.2. (Temple Bar 1938.)

A BARGAIN, £25 complete, brand new ready-made Co. Regns. Guaranteed no trading (England or Scotland); all trades available now, including Property Dealing; Mining/Quarrying; Garages; Electrical; Glass/China; Drapers; Packers; Plastics; H.P. Finance; Salvage; Banking, Nominees; Secretarial; Stocks/Shares; Property; Investments; Caravans, etc. (specially prepared for each trade). Write, phone or call (English Registrations) BUSINESS ECONOMY Co., Regns., Ltd. (Dept. 14), 156 Strand, London, W.C.2 (Tem. 8377/2294); (Scottish Registrations to 19 Walker Street, Edinburgh, 3, (Cal. 1167/9). Read "Advantages of trading as a limited Company" (3/- post free). Ltd. Co. may save you personal tax. We also have seven days Co. Regn. service with your own choice of name £21 (plus stamp duty).

### INVESTMENTS WANTED

INVESTMENTS especially weekly residential required for Trust Fund. Strict confidence observed. Greenwold, Alterman & Co., 2 Southampton Place, W.C.1.

### BUILDING LAND WANTED

FREELANCE Agent—covering all counties—requires land for houses and flats; town property suitable for redevelopment also industrial estates, etc. Authorized agents retained and re-instructed where necessary.—Box 6961, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

LAND WANTED for housing. Home Counties. 2/50 acres. Agents retained and re-instructed. Planning applications and appeals undertaken.—TRUE BOND HOMES, LTD., 342 Richmond Road, East Twickenham. (POP 6231).

### PERSONAL

OLD-ESTABLISHED firm of conveyancing and family solicitors (staff of six) with two partners nearing retirement age, require amalgamation and/or accommodation in Central London, with possible ultimate succession by suitable firm.—Write Box 353, Reynells, 44 Chancery Lane, W.C.2.

DAVIS OF PORT STREET, PICCADILLY, MANCHESTER, 1.—For fine furniture at manufacturers prices. Walk round our three large showrooms, which are open daily until 6 p.m. (Wednesday and Saturday included). We are stockists of all the latest designs of furniture, carpets, mattresses, divans. 10-year guarantee. Also all domestic electrical equipment, etc. Special discount and terms to members of the legal profession. No other introduction required. Tel: CEN 0638.

QUALIFIED Accountant requires part-time situation in the Norwich area; experience of trust and executorship accounts, income tax and cashier duties.—Box 6936, Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

### VALUATIONS

### TRADE VALUATIONS STOCKS & FIXTURES SALE OR PROBATE

Extensive staff of expert valuers  
available at short notice

ALL MAIN DISTRIBUTIVE  
TRADES including Pharmacy

### ORRIDGE & CO.

184 STRAND, LONDON, W.C.2

Telephone: TEMple Bar 9212/3 and 6340

Branch offices in Lancashire, Yorkshire,  
Hampshire, Glamorgan and  
Warwickshire

Members of leading professional bodies

VALUERS SINCE 1846

ANTIQUE AND MODERN FURNITURE, Silver, Porcelain, Pictures, Books and all descriptions of Chattel Property VALUED FOR PROBATE, INSURANCE OR FAMILY DIVISION, or, if desired, included in specialised auction sales. Sales also arranged by tender or private treaty.—Phillips, Son & Neale, 7 Blenheim Street, New Bond Street, W.1. Telephone No.: MAYfair 2424. Est. 1796.

REVERSIONS, LIFE POLICIES, ANNUITIES and UNQUOTED SHARES.—H. E. Foster and Cranfield, 6 Poultry, E.C.2, specialise in the valuation of these interests for probate purposes. Established 1843.

### TEMPLE WILLIAMS

personally undertakes valuations of contents of houses, antiques and works of art for probate and insurance purposes. Very many years' experience as a fine art auctioneer and member of the British Antique Dealers Association combine to make his views authoritative.

TEMPLE WILLIAMS LTD.,

HAUNCH OF VENISON YARD,

BROOK STREET, W.1

(Tel.: MAYfair 1486)

### BINDING OF VOLUMES

WHY not have your issues of THE SOLICITORS' JOURNAL bound and preserve in permanent form those articles which are of lasting value to you? The Publishers can accept the issues for 1959 and earlier years for binding in Green or Brown, full cloth, titled on spine, at £1 13s. per volume, post free, or in Half Cal, titled on spine, at £2 8s. per volume, post free. Issues should be addressed to The Binding Dept., The Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

continued on p. xxii

Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements

## Classified Advertisements

continued from p. xxi

### BOOKS AND PERIODICALS

THE "CORDEX" SELF-BINDING CASE specially designed to contain issues of THE SOLICITORS' JOURNAL is now available price 14s., post free. Capacity 26 issues and index. Issues easily inserted or removed.—The Solicitors' Journal, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

### TYPING, ETC.

DRAFTS and Engrossments expertly typed, hand engrossing, plans drawn or copied, multiple copying by special process, photocopying; all expeditiously done in proper form and at moderate charges. On all copying problems, consult the Copying Departments of The Solicitors' Law Stationery Society, Ltd., Head Offices, Oyez House, Brems Buildings, Fetter Lane, E.C.4.

RUSHGROVE AGENCY can now undertake R transcriptions from ORDINARY TAPE RECORDERS as well as STENOGRAPHS and EMIDICTAS. Also COPYING, ENGROSSING, DUPLICATING, ABSTRACTING, etc. 561 Watford Way, London, N.W.7. MILI Hill 7242.

### TRANSLATIONS

LEGAL DOCUMENTS and other miscellaneous matter (French, German and Italian); accurate rendering mailed day work received.

H. Verney Clayton, M.C.,  
THE Woodlands, Market Rasen, Lincs.

### MISCELLANEOUS

COINS and MEDALS, best prices paid, especially for collections and gold. Cat. of English coins, 9s. 3d. Specimen Bulletin 6d.—B. A. Seaby, Ltd., 65 Great Portland Street, London, W.1.

NILS HELLNER, Attorney-at-Law N Hornsgaten, 40 Stockholm.—Law suit debt collections. Correspondence in English, French, German and Spanish.

OLD DEEDS.—Good prices given for old parchment deeds; any quantity accepted, large or small.—Please send full details to H. Band & Co., Ltd., Brent Way, High Street, Brentford, Middlesex.



In a thousand ways and places TOCH gives the personal human touch of cheerful friendship lacking in many lives

Please help  
this voluntary work to spread

TOCH, 15 TRINITY SQUARE, LONDON, E.C.3  
FOUNDED BY REV. P. B. ("TUBBY") CLAYTON, C.H., M.C.

## ROYAL SURGICAL AID SOCIETY

Founded 1862

### Residential Homes:

Lee Hurst, Matlock: Blunt House, Oxted  
Entirely dependent on Voluntary Contributions

"I do like to be  
beside the sea"

Can you imagine how it would feel to be an old age pensioner, living by yourself, struggling to maintain your independence? Old age can be very frightening and lonely. The Shaftesbury Society knows this and tries to help. There is, for instance, our Berkeley Holiday Home at Broadstairs. Here pensioners, both men and women, may have a fortnight's seaside holiday at a nominal price. There's companionship, a cheerful staff, a happy atmosphere, there's all the fun of being beside the seaside. Many pensioners make lasting friendships, all go home rested, strengthened, and refreshed. But this holiday scheme largely depends upon subscriptions and donations. Please will you help — every penny makes a difference.

## THE Shaftesbury SOCIETY

112 REGENCY STREET, LONDON, S.W.1  
Reg. under the Nat. Asslt. Act 1948



## YOUR PROFESSIONAL KNOWLEDGE . . .

of our work is our best guarantee of continuing financial support. We need legacies, donations, bequests—without them, the British Sailors' Society could not continue its work: but we prefer to base our claim on the facts of service. Our record covers one hundred and fifty years of history—and the world is our province. We provide:—

Chaplains and Port Missionaries  
Residential Clubs  
Ocean Libraries  
World-wide Welfare Service  
Sea Training School for Boys  
Welfare Home for Seamen's Children

## BRITISH SAILORS' SOCIETY

Hon. Treas.: Rt. Hon. Lord COLERAINE, P.C.  
680 Commercial Road, London, E.14.  
Telephone: East 4191

Gen. Sec.: Stanley Heesom, O.B.E.

We are not State-aided. We look forward to your enquiries and will be pleased to answer any questions about our work.

## LONDON CITY MISSION

Instituted 1835. 150 Missionaries Employed

The Society exists for the spiritual and social uplift of the people of London, mainly by house-to-house visitation and evangelism in industry

Latest Report Sent Free on Request

£2,200 weekly required for the maintenance of the Society's operations

Testamentary Bequests Earnestly Solicited

Chairman: E. G. A. BARTLETT, Esq.  
Treasurer: O. B. GILBERT-SMITH, Esq.  
Secretary: Rev. Canon C. E. ARNOLD, M.A.  
Bankers: Barclays Bank, Ltd.,  
54 Lombard Street, E.C.3

6 ECCLESTON STREET, LONDON, S.W.1

## MORAVIAN MISSIONS

Oldest Protestant Missionary Church: 1732  
First to the Jews: 1736

First to send out Medical Missionaries: 1747

First to work among Lepers: 1818. Actual Cures. Converts outnumber Home Membership by 3 to 1. "The fine work of the Moravian Missionaries is known from Greenland to the Himalayas"—The Times.

LEGACIES AND SUBSCRIPTIONS GREATLY NEEDED

London Association in aid of Moravian Missions  
32 Great Ormond Street, London, W.C.1  
Hon. Secretary: Doris E. Hunt  
Bankers: Williams Deacon's Bank Ltd.

## THE LONDON SOLICITORS & FAMILIES ASSOCIATION

(formerly The Law Association. Instituted 1817.) Supported by Life and Annual Subscriptions and by Donations. This Association consists of Solicitors taking out London Certificates and of retired Solicitors who have practised under London Certificates and its objects are (amongst others): To grant relief to the

Widows and Children of any deceased Member, or, if none, then to other relatives dependent on him for support. The Relief afforded last year amounted to £3,107. A minimum Subscription of One Guinea per annum constitutes a Member and a payment of

Ten Guinea Membership for life.

Applications to be made to the SECRETARY, Miss K. Margaret Hugh-Jones, "Maesgwyn" Glasiers Lane, Normandy, Surrey Tel. Normandy 2168.

Founded 1884

## FLOWERDEW & CO. LIMITED

Law Agents, Translators and Stationers  
Every Business Aid for the Legal Profession

HEAD OFFICES—

73 Manor Road, Wallington, Surrey  
Phone—WALLINGTON 4441-3

Telegrams—"Flowerdeu, Wallington, Surrey"

LONDON OFFICES—

3/4 CLEMENTS INN, STRAND, W.C.2  
Phone—CHANCERY 5481-2

and

9 SOUTHAMPTON PLACE, W.C.1  
Phone—HOLBORN 7178

## INVESTIGATIONS

Confidential Investigations in all Civil and Criminal Cases, Matrimonial and Personal Matters. Financial and other Commercial Enquiries undertaken. Observations. Persons traced. Witnesses interviewed and Proofs of Evidence taken

FOUNDED IN 1899

## JOHN CONQUEST LIMITED

36 GREAT JAMES ST., BEDFORD ROW, W.C.1  
Telegrams & Cables: "Avouchable, Holb, London"

HOLBORN 3866



HE KNOWS AND WE KNOW AND YOU KNOW THAT



# DICTATING MACHINES

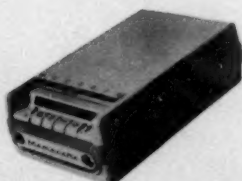
**Save Time and Money**

**OF COURSE THEY DO.** Correspondence, drafts, notes, instructions, in the office, at home or even while travelling. Fast uninterrupted dictation while your secretary gets on with her job. That is the way to speed the work up. The choice of equipment is very important and on this the Society is always pleased to advise. A nation-wide servicing scheme is available to all users of the machines illustrated.

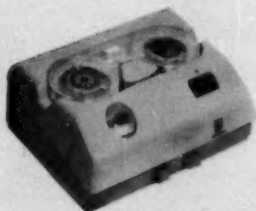
STENORETTE



MEMORETTE



STENOMATIC



PHILIPS EL 3581

## *An Offer to Solicitors*

**TWO MACHINES IN YOUR  
OWN OFFICE FOR A TRIAL  
PERIOD WITHOUT ANY  
OBLIGATION**

The Society will advise you on the choice and use of the machines and leave them for you and your secretary to try at your leisure. Write or phone today for the Society's specialist to call.

*Supplied by :* **THE SOLICITORS' LAW STATIONERY SOCIETY, LTD.**

**Oyez House, Breams Buildings, Fetter Lane, London, E.C.4**

*Telephone :* **CHANCERY 6855**

**BIRMINGHAM · CARDIFF · LIVERPOOL · MANCHESTER · GLASGOW**

*Please mention "THE SOLICITORS' JOURNAL" when replying to Advertisements*



## AUCTIONEERS' ANNOUNCEMENTS

**BEECROFT, SONS & NICHOLSON**Valuers, Surveyors and Assessors  
Valuations, Inventories, Fire Loss Assessments

32A WEYMOUTH STREET, PORTLAND PLACE, LONDON, W.1

H. C. Hazell Beecroft  
P. R. Beecroft, F.R.I.C.S., F.A.I.

Tel.: LAngham 6721/4

**H.D.S. STILES & Co.**CHARTERED SURVEYORS  
CHARTERED AUCTIONEERS & ESTATE AGENTS  
10 KING'S BENCH WALK, TEMPLE, E.C.4  
City 2946 and Central 5356  
6 PAVILION BUILDINGS, BRIGHTON  
Brighton 23244 (4 lines)  
3 THE STEYNE, WORTHING  
Worthing 9192/3EST. 1881 TEL. Mon 1464, Syd 6601  
**EASTMAN BROTHERS**  
SURVEYORS and VALUERS  
ESTATE AGENTS  
Surveys and Valuations for all purposes  
Plans and Specifications  
Estate Management in all areas  
HALIFAX HOUSE, 62/64 MOORGATE, E.C.2

Gerrard 5853-3963

**SHAW'S**(J. H. W. Shaw, F.A.L.P.A., M.R.San.I., P.P.C.I.A., F.V.I.)  
ESTATE MANAGERS, SURVEYORS AND VALUERS  
Estate House, 78-80 Shaftesbury Avenue, W.1Also at  
149/151 Dulwich Road, Herne Hill, S.E.24. BRixton 7866/7  
101 Western Road, Hove, 2, Sussex. Tel. 71231/2**NORMAN KINGSLEY & CO.**(N. L. KINGSLEY, A.R.I.C.S., A.A.I.)  
Chartered Surveyors  
Chartered Auctioneers and Estate Agents  
Property Management, Surveys and Valuations,  
Dilapidations, Plans, Specifications, etc.  
69 BLANDFORD STREET, BAKER STREET, LONDON, W.1  
Tel.: HUNTER 1325**FULLER HORSEY  
SONS & CASSELL****AUCTIONEERS & VALUERS**of PLANT, MACHINERY  
and FACTORIES

Since 1807

10 LLOYDS AVENUE  
LONDON E.C.3  
TELEPHONE ROYAL 4861

Rathbone

**WARD, SAUNDERS & CO.**L. B. Saunders, F.A.I., F.C.I.A. W. J. Allin, F.A.L.P.A.,  
F.V.I. W. J. Sims, F.A.I., F.V.I.

Auctioneers, Estate Agents, Surveyors and Valuers

SURVEYS, VALUATIONS, SALES, LETTINGS,  
MORTGAGES, REQUISITION CLAIMS, COM-  
PULSORY PURCHASE, DILAPIDATIONS, ETC.

ESTATE MANAGEMENT SPECIALISTS

Bankers: Lloyds Bank Ltd. Barclays Bank Ltd.

The Estate Offices  
298 and 299 Upper Street, London, N.1  
Telephones: CANonbury 2487-2488-2489  
Established over Half a Century**JOS. RIMMER & SON**

(Established 1860)

C. F. Reid, F.R.I.C.S., F.A.I. R. Hutton, F.R.I.C.S., F.A.I.  
H. F. Sharman, F.R.I.C.S.

Chartered Surveyors, Auctioneers and Estate Agents

SALES BY AUCTION AND PRIVATE TREATY

Mortgages arranged, Properties carefully managed.  
Valuations and Surveys, Compensation Claims  
negotiated. Rating AppealsCORINTHIAN BUILDINGS  
14/20 SOUTH CASTLE STREET  
LIVERPOOL, 2Tel.: MARitime 1066 (5 lines), and at  
13 Hamilton Square, Birkenhead. Tel.: BIR 8931/2  
110 Station Road, Ellesmere Port. Tel.: ELL 1251/2

EST. 1813

**DEBENHAM STORR  
AND  
JOHNSON DYMOND  
LIMITED**-AUCTIONEERS AND VALUERS-  
SPECIALISTS IN THE SALE OF ALL  
CLASSES OF PROPERTYSales held in two spacious Auction Rooms  
daily, one being reserved for jewellery, silver  
and plated ware, watches, etc.; the  
other for furniture, pictures, bronzes, works  
of art, carpets, guns, wine, furs, wearing  
apparel and personal effectsValuations for Probate, Insurance and  
other matters

APPLY—

26 King Street, Garrick  
Street, London, W.C.2Telephone: TEMple Bar 1181 & 1182  
Telegrams: "Viewing" London**E. A. SHAW & PARTNERS**(C. M. SPAGNOLETTI, F.A.I.  
R. T. FITZSIMMONS, F.A.I.)

SURVEYORS AND VALUERS

19 &amp; 20 Bow Street, Covent Garden, W.C.2

(Over Midland Bank)

Tel.: COVENT GARDEN 2255 (4 lines)

**COY & WAINWRIGHT**

Chartered Surveyors and Valuers

FRANK WAINWRIGHT, F.R.I.C.S., M.Inst.R.A.

A. R. ATKINSON, F.R.I.C.S., M.Inst.R.A.

H. FORDHAM, A.R.I.C.S.

115/119 Moorgate, E.C.2 Monarch 4715/6  
191a Battersea Bridge Rd., S.W.11 Battersea 0679

HAMPSHIRE

Established 1845

**F. ELLEN & SON**

DONALD LLOYD, F.R.I.C.S., F.A.I., CHARTERED SURVEYOR

JOHN WEAVER, F.A.L.P.A.

J. H. ANDREWS, F.A.L.P.A., A.M.I.N.T.S.E.

SURVEYORS, AUCTIONEERS, VALUERS, LAND AND ESTATE  
AGENTS, VALUATIONS FOR PROBATE AND ALL PURPOSES  
PROPERTIES SURVEYED AND MANAGED  
LONDON STREET, ANDOVER  
TELEPHONE 3444 (2 lines)**ELLIS & SONS**

Established 1877

Estate Agents, Valuers and Property Auctioneers

Partners:

I. S. ALLAN-SMITH, F.A.L.P.A.

GRAHAM E. ELLIS, F.A.I.

1 Princess St., Albert Square, Manchester, 2  
Telephone: Blackfriars 4812 Telegrams: "Covenant"**HOTELS AND RESTAURANTS**

HAMMERSLEY KENNEDY &amp; CO.

19 Hanover Square, London, W.1

Telephone: MAYfair 6857

have, since 1899, specialised in the sale and  
valuation of hotels and catering businesses to  
the exclusion of any other branch of estate  
agency. The partners are members of the  
leading professional bodies.**London and Home Counties**

SPECIALISTS FOR 100 YEARS

VALUATIONS, SALES,  
PROPERTY MANAGEMENT  
**Salter, Rex & Co.**

311 KENTISH TOWN ROAD, N.W.5

GULiver 1085 (5 lines)

24/7 HIGH HOLBORN, W.C.1

HOLborn 4619

**H. E. WINGFIELD & CO.**BUYERS OF  
FINE STAMPSSTAMPS VALUED  
FOR PROBATE AND  
INSURANCE PURPOSES

Call, write or 'phone

Miss R. Tisford or Mr. A. L. Michael at

**392 STRAND, LONDON**

Tel.: TEMple Bar 4136

W.C.2

## SOCIETY FOR THE ASSISTANCE OF

**LADIES IN REDUCED CIRCUMSTANCES**

Founded by the late Miss Smallwood

Patron: Her Majesty the Queen

This Society is entirely supported by voluntary contributions

In these difficult times this Society is carrying on its much-needed  
work of helping poor ladies, many elderly and some great invalids.  
All gifts of money gratefully received.

LEGACIES ARE A VERY WELCOME HELP

Will lawyers kindly advise their clients to help this work, making cheques payable to—  
Miss Smallwood's Society, Lancaster House, Malvern

